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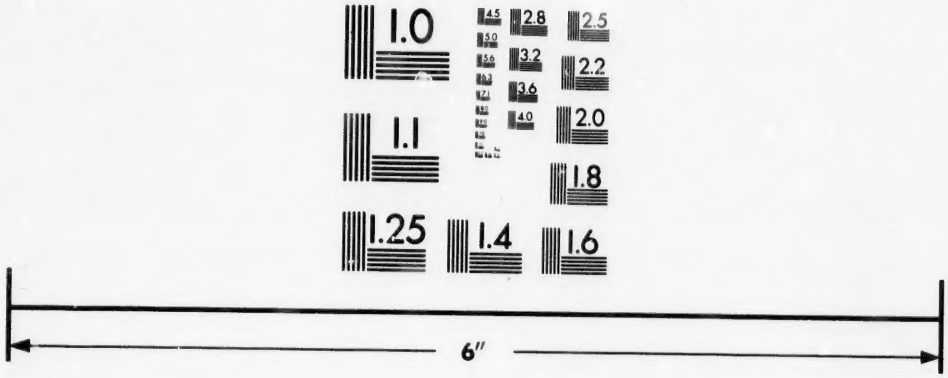

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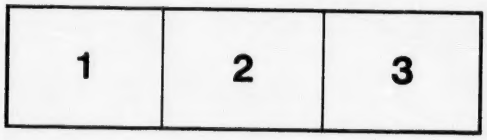

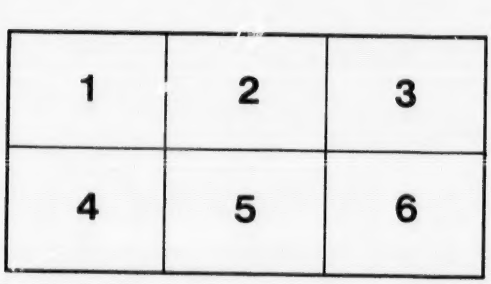

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THE

PERPETUAL ACTS

OF THE

GENERAL ASSEMBLIES

OF

HIS MAJESTY's PROVINCE

OF

NOVA SCOTIA.

AS REVISED,

In the YEAR 1783.

HALIFAX, in NOVA SCOTIA:

Printed and Sold by ANTHONY HENRY.

M.DCC.LXXXIV.

A RB
K
.N65
1784

Houſe of Aſſembly 11*th October*, 1783.

THE Gommittee of his Majeſty's *Council* and *Houſe* of *Aſſembly* appointed to examine the Laws of this Province, which have been reviſed by ISAAC DESCHAMPS and JAMES BRENTON, Eſq; having conſidered and examined the ſame Report, that they find them done with great Judgment and Accuracy, and that it would be right and proper to have the ſame put in Force accordingly.

HENRY NEWTON,
ALEX. BRYMER,
JOHN CUNNINGHAM,
THOMAS COCHRAN,
JOHN GEO. PYKE.

42149

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Perſons above the Age of 14, convicted of making or publiſhing a Lye, Libel, or ſcandalous Report, tending to Defamation or Damage, or ſpreading any falſe News, to be puniſhed at the diſcretion of the Court, and the party grieved may have his Action for Damages. 59.

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ERRATA.

Pag. 10. Sect. 1. inſtead of the Words *as preſented by ſaid Act*, inſert the Words *as before preſcribed.*

Sect. 4. inſtead of the Words *preſcribed by the aforecited Act* inſert *afore preſcribed.*

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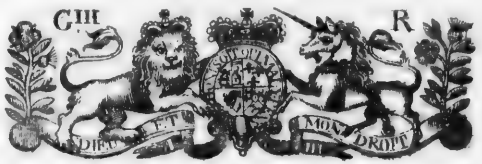
Pag. 134. 3. Geo. 3. Ch. 1. the 1. Sect. ſhould be omitted being repealed by 4. Geo. 3. Ch. 4.

Pages from 149 to 152 are twice printed but are diſtinguiſhed by Letters *a.* and *b.*

The Act to prevent Foreſtalling and Monopolizing of Cord Wood is miſplaced, and ſhould be Page. 216.



At the GENERAL ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at *Halifax*, on the *Second* Day of *October*, *Anno Domini* 1758, and in the *Thirty Second Year* of the Reign of Our Sovereign Lord GEORGE the Second, of *Great-Britain*, *France* and, *Ireland*, KING, Defender of the Faith, &c. being the Firſt GENERAL ASSEMBLY convened in the ſaid Province.

CAP. I.

An ACT for confirming the Proceedings on the ſeveral Reſolutions or Acts of the Governors and Council of this Province, relating to the Duties of Impoſt on Rum and other diſtilled Liquors, and enabling the late Collector or receiver to recover the Monies unpaid for any Bonds or Notes remaining in his Hands; and for eſtabliſhing and regulating ſeveral Duties of Impoſt on Wines, Beer, Rum, and other diſtilled Spirituous Liquors for the future. Exor.

CAP. II.

An Act for confirming Titles to Lands and Quieting Poſſeſſions.

B E it *Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That all Perſons claiming or deriving any Right or Title to any *Lands* or *Tenements*, by Virtue of any *Grants* or *Deeds* entered in the Public Regiſtry, of this, Province or by Virtue of any *Laſt Will* or *Teſtament*, ſhall have, hold, and

Perſons claiming Titles to Lands, &c. by virtue of Grants, Deeds, or laſt Wills, to hold the ſame according to the Tenor thereof.

Poſſeſſions by Virtue of ſuch Grants, &c. confirmed, notwithſtanding any Want of legal Form therein.

and enjoy ſuch *Lands* and *Tenements*, according to the Tenor and Effect of ſuch *Grants* or *Deeds* regiſtered, and of ſuch *Laſt Will* and *Teſtament*, whether the Eſtate be in his or their own Right, or in Right of, or in Truſt for another; and that all Poſſeſſions by Virtue thereof ſhall be, and are hereby confirmed, any want of legal Form in ſuch *Grants*, *Deeds*, or *Wills*, notwithſtanding.

Provoſt Marſhal's Deeds under Writs of Execution confirmed.

II. *And it is hereby further Enacted*, That all *Deeds* of *Sale* of any *Lands* or *Tenements*, made by the Provoſt Marſhal under Writs of Execution to him iſſued, for the Satisfaction of any Judgments, ſhall be and are hereby confirmed.

Lands ſold under Writs of Execution may be redeemed within Twelve Months from the 2d *October*, 1758.

III. *Provided nevertheleſs*, That it ſhall and may be lawful for any Perſon or Perſons, whoſe Lands have been taken in Execution, and Sold as aforeſaid, his, her or their Heirs, within Twelve Months from the Second Day of *October*, 1758, to ſue for and recover, by Action in Nature of an Action of Account, from the Perſon or Perſons to whom the Perſons intitled to ſuch *Lands* or *Tenements* were indebted, and for Satisfaction of whoſe Debts the ſaid *Lands* or *Tenements* have been ſold as aforeſaid, upon Payment in Manner herein after directed, of the Principal Money due, with Intereſt for the ſame, at the Rate of *Six Pounds* in the Hundred for each Year, and all Coſts and Damages awarded or ſuſtained by the ſaid Judgments, and alſo for all Improvements of the ſaid *Lands* or *Tenements*, and the Provoſt Marſhal's Proceedings thereon, with like Intereſt for the Principal Money expended in ſuch Improvements, upon a juſt Account to be taken of the ſame on any Trial for the Recovery of ſaid *Lands* or *Tenements*, wherein a View, if required, ſhall be directed: And if upon ſuch Trial it ſhall appear in Evidence, that ſuch Perſon or Perſons to whom the Lands have been Sold or conveyed as aforeſaid, have committed wilful Waſte thereon, or have received Rents or Profits from the ſaid *Lands* or *Tenement*, the ſaid Rents and Profits, and the Value, of ſuch Waſte, ſhall be allowed in account to the Perſon ſo ſuing for the Recovery of the ſaid *Lands* or *Tenements*, and upon Payment of ſaid Principal Money and Intereſt, and of all Damages and Coſts for and on Account of ſuch Debts and Improvements, or upon taking ſuch Account of Rents and Profits, or the Value of ſuch Waſte, and Payment, of the Balance, due thereon, before any Writ of Execution ſhall iſſue upon any Judgment upon ſuch Trial, to the Clerk of the Court where ſuch Trial ſhall be had; that then and in ſuch Caſe it ſhall and may be lawful to award ſuch Writ of Execution for delivering Poſſeſſion of ſuch *Lands* or *Tenements*, to the Perſons, ſo ſuing for the ſame: *Provided*, That if upon ſuch Trial it ſhall appear that the Rents, and Profits received, or the Value of ſuch Waſte committed, or both of them, do exceed the Value of the Debt, Intereſt, Coſts, and Damages, and the Value of the Improvements, that Execution ſhall iſſue for recovering the ſaid ſum ſo received in Rents and Profits, or the Value of ſuch Waſte committed, beyond, the Value of ſuch Debt, Intereſt, Coſts and Damages, together with the Poſſeſſion of the *Lands* and *Tenements* by Execution as aforeſaid.

Purchaſers of ſuch Lands to be accountable for wilful Waſte, Rents or Profits.

IV. *Provided*

IV. *Provided nevertheleſs*, That any Debtor or Debtors, or his or her Heirs, upon Payment or Tender of Payment, within Twelve Months after ſaid Second Day of *October*, 1758, of the Conſideration Money really and *bonâ fide* paid by the laſt Purchaſer or Purchaſers under the Provoſt Marſhal Deeds, of any *Lands* or *Houſes*, with all Charges for neceſſary Repairs or Alterations, ſhall and may be intitled to recover ſuch *Lands* and *Houſes*, ſo taken in Execution and ſold by the Provoſt Marſhal as aforeſaid.

Debtors may recover their Lands on Payment, within Twelve Months from 2d *Oct.* 1758, of the Conſideration Money paid by the laſt Purchaſer, with all Charges.

V. *Provided alſo*, That it ſhall and may be lawful nevertheleſs, to and for any Debtor or Debtors, or his or her Heirs, to have and proſecute an Action of Account, againſt his or her Creditor or Creditors *notwithſtanding*.

Debtors may proſecute an Action of Account againſt their Creditors.

VI. *Provided alſo*, That all ſubſequent Deeds and Conveyances, made and executed by any ſubſequent Purchaſer or Purchaſers under the Provoſt Marſhal's Deeds, ſince the ſaid Second Day of *October*, 1758, within the Space of one Year only, for any greater Sum than is expreſſed in ſuch Purchaſer or Purchaſers Deed of Aſſignment, ſhall and are hereby declared to be null and void to all Intents and Purpoſes whatſoever.

Deeds, &c. made by Purchaſers under Provoſt Marſhal's Deeds, within one Year from 2d *Oct.* 1758, for a larger Sum, to be void.

VII. *And be it further Enacted by the Authority aforeſaid*, That a Reſolution or Act of the Governor and Council, dated the Third of *February*, 1752, concerning the Regiſtry of Lands in this Province, and that all Regiſters and all Proceedings thereon ſhall be, and the ſame are hereby ratified and confirmed.

Reſolution of the Governor and Council for Regiſter of Lands and all former Regiſtry of Lands confirmed.

VIII. *Provided*, That the Regiſter of Deeds and Conveyances in this Province ſhall, for the future, in lieu of any Memorial, Regiſter all Deeds and Conveyances in Words at full Length: And that upon Proof of one credible ſubſcribing Witneſs, to the due Execution of ſuch Deed or Conveyance, the ſame ſhall accordingly be regiſtred, without any other Ceremony, or Form heretofore uſed; any former Uſe or Cuſtom to the contrary in any wiſe *notwithſtanding*.

Deeds to be regiſtred at full length.

IX. 34. *Geo.* 2. Ch. 4. That the Regiſter of Deeds and Conveyances in this Province, or his Deputy, ſhall and may duly regiſter, all ſuch Deeds and Conveyances of Lands in this Province, as ſhall have been made and executed in Great Britain or Ireland, or in any of His Majeſty's Colonies or Plantations, diſtant from this Province, (tho' one of the Witneſſes thereto ſhould not come before him or his Deputy, to prove the ſame. *Provided* the Execution thereof ſhall appear to him, either to have been properly acknowledged by the Grantor himſelf named in ſuch Deed or Conveyance, or be proved by the Oath of one of the ſubſcribing Witneſſes thereto, before ſome or one of His Majeſty's Juſtices of the Peace of the Place where ſuch Deed or Conveyance ſhall have been executed, and duly atteſted by him; and ſuch Atteſtation being alſo authenticated (if in the Plantations) under the Hand and Seal of the Governor, Lieutenant Governor, or Commander in Chief of the Province, where the ſame ſhall be made, or of a Publick Notary there reſiding; and if in

All Deeds, &c. to be regiſtred, on Proof of the Execution thereof, either by the Acknowledgment of the Grantor, or by the Oath of one of the Witneſſes, before a Juſtice of the Peace where ſuch Deeds &c. have been executed.

in Great Britain, or Ireland, under the public Seal of ſome Corporation there, or by the Atteſtation and Certificate of ſome Notary Publick lawfully conſtituted, reſident there, certifying that ſuch Perſon ſo ſubſcribing as a Juſtice of the Peace is really ſo, and that all Faith and Credit ought to be given to his Atteſtations.

Minors, &c. may ſue within five years after Impediment removed.

XI. 1. *Geo.* 3. Ch. 3. That nothing in this Act, nor any Thing herein contained, ſhall extend or be conſtrued to extend, to bar the Title of any Minor Feme Covert, or Perſon *Non Compos Mentis*, impriſoned, or abſent from the Province but they ſhall be intitled to ſue for and recover any Lands or Tenements within the Province aforeſaid, to which they are intitled, within Five Years after ſuch Impediment ſhall be removed, any Thing in the ſaid Act to the contrary in any wiſe notwithſtanding.

XI. 5. *Geo.* 3. *Ch.* 8. That the Regiſter of Deeds and Conveyances in this Province, or his Deputy, ſhall and may demand and receive the Sum of Two Shillings for every Deed regiſtered as aforeſaid in Caſe the ſame do not exceed Two Hundred Words, and if more, then after the Rate of One Shilling an Hundred for all the Words contained in ſuch Deed over and above the firſt Two Hundred Words; and the like Fees for the like Number of Words contained in any Copy, given out of the ſaid Office; and for every Certificate one ſhilling, two for every Search in the ſaid Office One Shilling and no more, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Regiſter of the province to appoint one or more deputies in the ſeveral Counties.

XII. 12. *Geo.* 3. *Ch.* 5. That it ſhall and may be lawful for the Regiſter of this Province, to appoint one or more Deputies in the ſeveral Counties within the ſame, ſuch Perſon being approved by the Governor, Lieutenant Governor, or Commander in Chief; and all Regiſters and Proceedings thereon, relating to the conveying of any Lands, Tenements or Hereditaments within the Limits of ſuch Deputations, ſhall be, and they are hereby declared authentick and valid, and if any original Deed which may hereafter be regiſtered by the Deputy Regiſters, ſhall be loſt, and Proof thereof in Court being made, that then the Regiſtry or Record of ſuch Deed or Deeds ſhall be allowed to be good Evidence in any Court of Law or Equity within this Province.

If Deed is loſt the copy from the Regiſtry ſhall be allowed as evidence.

Where Deputy Regiſters appointed, Deed ſhall be regiſtered.

XIII. *And be it alſo Enacted*, That where Deputy Regiſters ſhall be appointed, all Deeds or Conveyances ſhall be regiſtered in the Office of the County or Diſtrict within which, ſuch Lands do lie.

An Extract & Certificate of all Deeds regiſtered to be tranſmitted to the Regiſter's Office at *Halifax*, within Peninſula of NOVA-SCOTIA, in three Months and to the Northward of ſaid Peninſula in ſix Months.

XIV. *Provided always, and be it alſo Enacted*, That an Extract and Certificate of all Deeds and Conveyances, touching any Lands or Hereditaments, which ſhall be regiſtered or recorded by ſuch Deputies as aforeſaid within the Peninſula of *Nova-Scotia*, ſhall once in *Three Months* be tranſmitted to the Regiſter's Office at *Halifax*, and of all Deeds and Conveyances, touching any Lands or Hereditaments, lying to the Northward of the ſaid Peninſula, within *Six Months* after the Regiſtry of ſuch Deeds and Conveyances, and the Regiſter of Deeds at *Halifax*, ſhall note the Time of his receiving the Certificate, and duely enter the ſame in

in the Regiſtry at *Halifax*, which ſhall be as effectual as if the original Deed had been by him firſt regiſtered, as well for thoſe which have been heretofore regiſtered by the Deputy Regiſters, or ſhall hereafter be regiſtered by Virtue of this Act. And if any Deputy Regiſter ſhall fail to tranſmit ſuch Extracts to the Regiſter's Office at *Halifax*, as aforeſaid, he ſhall forfeit and pay for the Uſe and Service of the Government of this Province, the Sum of *five Pounds*, to be recovered on Complaint of the Regiſter of the Province, before any Court of Record within the ſame, and ſuch Deputy ſo failing, ſhall moreover be liable to an Action at Law for all Damages ſuſtained by the Party aggrieved.

Deputy Regiſter failing ſhall forfeit £. 5. and liable to an Action by party aggrieved.

XV. *And be it further Enacted*, That all Deeds heretofore regiſtered by the Deputy Regiſters in the ſeveral Towns and Counties in this Province, whereof Certificates of the Regiſtry have been duely returned to the Regiſter's Office at *Halifax* and enter'd there, or which ſhall on or before the firſt Day of *November* next be returned and enter'd there as aforeſaid, ſhall be deemed good and valid, as tho' the ſame had been duely at firſt enter'd in the Regiſtry at *Halifax* aforeſaid. *Provided*, That nothing herein ſhall extend to affect any Attachment heretofore made, or Judgment which may have been recovered on any Lands or Hereditaments, a Certificate of the Regiſtry whereof has not already been returned as aforeſaid.

All deeds heretofore regiſtered by the Deputies, and Certificates, returned, or which ſhall be returned before 1ſt *Nov.* next. good and valid.

CAP. III.

An ACT directing the Proceedings againſt forcible Entry or Detainer.

BE it Enacted by his Excellency the Governor, Council and Aſſembly, and by the Authority of the ſame it is hereby Enacted, That upon complaint on Oath made before any two Juſtices of the Peace of any wrongful and Forcible Entry made into any Houſes, Lands, Tenements or other Poſſeſſions or of any wrongful detainer or witholding with Force, or of any wrongful or holding over of any Tenant after the Expiration of his Term in any Houſes, Lands, Tenements, or other Poſſeſſions, after Poſſeſſion demanded and due warning given to ſuch Tenant as herein directed, to remove, it ſhall and may be lawful for ſuch Juſtices by warrant to cauſe ſuch Offender or Offenders, Tenant or Tenants or other Perſon in Poſſeſſion to be arreſted and detained in Cuſtody until he ſhe or they, find ſufficient ſecurity for perſonal appearance at the next Supreme Court there to anſwer ſuch Complaint.

Perſons making forcible entry &c. to be arreſted.

bound to appear at Supreme Court.

II. *And be it further Enacted*, That if it ſhall appear to ſaid Court either by the confeſſion of the party complained of or by the Verdict of a Jury then and there impanelled to try the Iſſue that a forci-

On proof by confeſſion or Verdict.

ble Entry is made into any houſes Lands, Tenements, or poſſeſſions or that a wrongful and illegalDetainer and with-holding of ſuch Houſes, Lands, Tenements and Poſſeſſions has been made after demand and Notice as aforeſaid, then the ſaid Court ſhall cauſe the ſaid Houſes, Lands, and Tenements to be reſeized and the party complaining to be again put into Poſſeſſion within ten days after ſuch trial had or Confeſſion made and the party grieved, ſhall and may by Action of Treſpaſs on the Caſe recover treble rent and Coſts of Suit againſt the defendant or defendants any Law, Uſage, or Cuſtom to the ſaid contrary Notwithſtanding.

Party to be reſeized within 10 days. treble Coſts to be recovered.

III. 1 *Geo. 3. Ch.* 2. *And be it alſo further Enacted*, That when any houſe Lands, or Tenements, ſhall be Let by the Year, three Months warning ſhall be given, & when by the Month one Months warning, and when by the Week one Weeks warning ſhall be given to the Tenant in Poſſeſſion.

Warning to be given.

IV. *Be it Enacted*, That nothing in this Act ſhall extend or be conſtrued to extend to bar the right of any Minor. Feme Covert or perſon *Non Compos Mentis* impriſoned or abſent from the Province. But they ſhall be intituled to ſue for and recover any Houſes, Lands or Tenements within the Province aforeſaid to which they are intituled, within five Years after ſuch impediment ſhall be removed.

Saving the right of Minors, &c.

CAP. IV.

An ACT to prohibit the Erecting of Diſtilling Houſes, or ſetting up Stills within the Town of *Halifax*, or within one Quarter of a Mile of the Lines or Pickets of the ſaid Town.

No Diſtilling Houſes or Stills to be erected within the Town of Halifax, or within a Quarter of a Mile of the Picketed Lines, on Penalty of £100.

BE it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted, That from and after the Publication hereof, no Perſon or Perſons whatſoever, ſhall erect any Diſtilling Houſes, or ſet up any Stills for diſtilling of Cordial Waters, or any Spirituous Liquors, within the Town of *Halifax*, or within one Quarter of a Mile of the old Lines or Pickets of ſaid Town; on Pain of forfeiting the Sum of *One Hundred Pounds*, for every Still ſo ſet up, and Diſtilling Houſe ſo erected; to be recovered by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record within this Province; one fourth Part to the Informer or Proſecutor, the Remainder to the Uſes of the Government; and the ſaid Stills ſhall be deemed and adjudged to be a public Nuſance, and ſhall be accordingly removed.

Such Sills deemed Public Nuſances.

CAP. V.

An ACT for the Eſtabliſhment of *Religious Publick Worſhip.*

FORASMUCH *as His Majeſty upon the Settlement of the Province, was pleaſed, in His pious Concern for the Advancement of GOD's Glory, and the more decent Celebration of the Divine Ordinances amongſt us, to erect a Church for Religious Worſhip, according to the Uſuage of the Church of* England; *in humble Imitation of His Royal Example, and for the more effectual Attainment of His Majeſty's pious Intentions, that we might in the Exerciſe of religious Duties, be ſeeking for the Divine Favour and Protection, Be it therefore Enacted by His Excellency the Governor, Council and Aſſembly,* That the Sacred Rites and Ceremonies of Divine Worſhip, according to the *Liturgy* of the Church eſtabliſhed by the Laws of *England*, ſhall be deemed the fixed Form of Worſhip amongſt us, and the Place wherein ſuch *Liturgy* ſhall be uſed, ſhall be reſpected and known by the Name of the *Church of England* as by Law eſtabliſhed. And that for the Preſervation of Purity and Unity of Doctrine and Diſcipline in the Church, and the right Adminiſtration of the Sacraments, no Miniſter ſhall be admitted to officiate as a Miniſter of the *Church of England*, but ſuch as ſhall produce to the Governor, a Teſtimonial, that he hath been licenced by the *Biſhop of London*, and ſhall publickly declare his Aſſent and Conſent to the Book of *Common Prayer*, and ſhall ſubſcribe to be conformable to the Orders and Conſtitutions of the *Church of England*, and the Laws there eſtabliſhed; upon which the Governor is hereby requeſted to induct the ſaid Miniſter into any Pariſh that ſhall make Preſentation of him. And if any other perſon Pretending himſelf a Miniſter of the *Church of England*, ſhall, contrary to this Act, preſume to teach or preach publickly or privately, the Governor and Council are hereby deſired and impowered to ſuſpend and ſilence the Perſon ſo offending.

Preamble.

Liturgy of the Church of England eſtabliſhed.

No Miniſter to officiate without a Certificate from the Biſhop of London.

Others to be ſilenced.

II. *Provided nevertheleſs*, and it is the true Intent and Meaning of this Act, That Proteſtants, diſſenting from the *Church of England*, whether they be *Calviniſts*, *Lutherans*, *Quakers*, or under what Denomination ſoever, ſhall have free Liberty of Conſcience, and may erect and build Meeting Houſes for Public Worſhip, and may chooſe and elect Miniſters for the carrying on Divine Service and Adminiſtration of the Sacraments, according to their ſeveral Opinions; and all Contracts made between their Miniſters and their Congregations for the Support of the Miniſtry, are hereby declared Valid, and ſhall have their full Force and Effect, according to the Tenor and Conditions thereof; and all ſuch Diſſenters ſhall be excuſed from any Rates or Taxes to be made and levied for the Support of the eſtabliſhed *Church of England.*

Proteſtant Diſſenters excepted.

and excuſed from Rates for the Support of the eſtabliſhed Church of England.

III. *Be*

Parish of St. Paul to comprehend all the Lands in Township of Halifax.

III. *33. Geo. 2. Ch. 3. Be it Enacted by His Excellency the Governor, Council and Assembly*, That the Parish of the Church commonly called and known by the Name of SAINT PAUL'S Church, shall extend and comprehend all the Lands lying and being in the Township of *Halifax*, hereafter to be known and called by the Name of the Parish of *Saint Paul's*, for and during such Time as the said Township shall consist of one Parish only, and that the Church Wardens and Parishioners of said Parish, are hereby impowered to meet as soon as convenient may be, Notice being first given of such Meeting, and the Place thereof, by the Rector of said Parish, and shall then and there chuse Twelve Officers of the said Parishioners for Vestry Men, in which Vestry shall be included the Ministers belonging to the said Church, and officiating therein; and the said Church Wardens and Vestry shall have and exercise all such Powers and Authorities, for the Benefit of the said Church, as are usually exercised by Church Wardens and Vestries in the Parish Churches in *England*, and shall to all Intents and Purposes be, and are hereby impowered, as a Body Politic incorporate, to sue and be sued, and to ask, demand and sue for the Rents due for the Pews of said Church, or other dues for the Benefit of the Ministers and Repairs thereof, and to take and receive all Gifts, Grants, either of Lands or Money, to and for the Use of the said Parish Church, and to improve the same for the Benefit and Advantage thereof, according to their best Discretion, and the true Intent and Meaning of the Donors: And the said Meeting of the Parishioners for the Choice of Vestry Men, shall hereafter be annually on *Michaelmas Day*, on which Day shall also be chosen annually the Church Wardens for the said Church, by the said Parishioners.

Church Wardens and Parishioners to chuse 12 Vestry Men,

who shall have the same Powers as in England.

Church Wardens and Vestrymen to be chosen on Michaelmas Day annually.

Person refusing to serve, forfeit £5.

IV. *And be it further Enacted*, That if any of the said Parishioners, who shall be regularly chosen into the Offices aforesaid, do refuse to serve in the same, he or they shall forfeit the Sum of Five Pounds, to be recovered by Bill, Plaint, or Information, in any of His Majesty's Courts of Record; which Forfeiture shall be to and for the Use of the said Parish Church.

Parishioners may, at their annual Meeting, grant Money for the Support of their Ministers, &c.

V. *And be it further Enacted*, That the said Parishioners may, by a Vote of the Majority at their annual Meeting then present, grant such Sums of Money towards the Support and Maintenance of their Minister or Ministers, or for the Repairs of the said Church, as they may think necessary; which said Vote shall be binding on all the Parishioners belonging to the said Church, and others dwelling in the said Parish, not exempted by Law from paying towards the Support of the Church of England; which Sum or Sums of Money so voted, shall be assessed in just and equal Proportions on every Parishioner, according to their several Abilities.

to be paid every Half Year.

VI. *And be it further Enacted*, That for the greater Ease of the Parishioners, in paying in such Sums so granted, that for every yearly Grant for

for the Support of the Miniſtry, it ſhall be aſſeſſed by the Church Wardens and Veſtry in two equal Aſſeſſments, one Half to be paid in the firſt Six Months, and the other Half in the laſt ſix Months.

Church Wardens to collect the Rates.

VII. *And be it alſo Enacted*, That the ſaid Church Wardens ſhall, and they are hereby impowered, to collect and receive ſuch Rates and Taxes; and if any Perſon thus rated or taxed, ſhall not pay the ſame within One Month after Notice given by ſuch Church Wardens, that then it ſhall and may be lawful, on the Complaint of ſuch Church Wardens, on Oath, that due Notice has been given as aforeſaid, for any One of His Majeſty's Juſtices of the Peace for the County of *Halifax*, by Warrant of Diſtreſs under his Hand and Seal, to cauſe the ſame to be levied on the Goods and Chattels of the Perſon ſo failing.

Perſons over rated may appeal to the Seſſions.

VIII. *Provided always*, That if any Perſon ſhall think himſelf over rated, he may appeal for Redreſs to the next *General Seſſions of the Peace* for the ſaid County, and the Juſtices thereof are hereby required and impowered to examine, hear, and determine all and every ſuch Appeal or Complaint, and to give Redreſs as they in their Judgment ſhall think equitable, and ſuch their Order and Judgment ſhall be final, and bind all Parties.

Rates to be made the Firſt Monday after Eaſter Yearly.

IX. *And be it further Enacted*, That the Church Wardens and Veſtry may meet as often as the Buſineſs of the ſaid Church ſhall require, but for the making the Aſſeſſments and rating the Pariſhioners, they ſhall and are hereby enjoined to meet on the firſt Monday after Eaſter yearly and every Year; and no Aſſeſſement, unleſs the ſame be agreed on and ſubſcribed by at leaſt Seven of the ſaid Veſtry and Church Wardens, nor any other Act by them done or agreed on to be done, ſhall be valid, and have its Force and Effect in Law, unleſs alſo Seven of them, at leaſt be preſent.

Miniſters of the Church of England, ſubject to the Penalties preſcribed by the Canons and no other.

X. *And be it further Enacted*, That the Miniſters of the Church of England, not conforming themſelves to the Rules preſcribed by the Canons of the ſaid Church, ſhall be ſubject to the Cenſures and Penalties incurred therein, and none other, any Law, Uſuage, or Cuſtom to the contrary notwithſtanding.

Miniſters may ſue the Church Wardens for Money received by them, &c.

XI. 34 *Geo.* 2. *Ch.* 10. That the ſaid Miniſters ſhall be and are hereby impowered to ſue for and recover from the ſaid *Church Wardens*, all ſuch Sums as they may have received, or ſhall neglect to ſue for and recover, for the Uſe and Benefit of ſaid Miniſters.

The Church Wardens, &c. of *St. Paul's*, to meet quarterly, and vote Money for Repairs of the Church.

XII. 7 *Geo.* 3. *Ch.* 1. That the Church Wardens, Veſtry, and Pariſhoners of the Pariſh of St. PAUL's, ſhall meet Quarterly, *that is to ſay*, on the Firſt Mondays in December, March, June, and September, Yearly, and when ſo met may, by a Vote of the Majority *(a)* of ſuch Pariſhioners then preſent, as pay Scot and Lot *(a)* by being aſſeſſed

(a) *Burn's Eccleſ. Law* 2. *Vol. Pa.* 477.

At every Pariſh-Meeting, the Miniſter [illegible] or the Vicar preſides, Id. Ibid.

aſſeſſed for paying any Contributions for and towards the Support of the Church of *England*, allot and order ſuch Sums of Money as they may judge neceſſary *(b)* for and on Account of Repairs, and for the uſual Goods, Stock Furniture, Ornaments, and Bells of the Church, and for Arrears of Salary and other allowances to the Organiſt, Clerk and Sexton of the ſame, and to the Clerk of the Veſtry, and for all other neceſſary future Church Repairs, Goods, and Ornaments, as other Rates are directed to be levied, collected, and received, by the afore recited Act or Acts; and likewiſe for half yearly Aſſeſſments and Payments of the future growing Salaries to the Organiſt, Pariſh Clerk and Sexton, and Clerk of the Veſtry; which Vote or Votes ſhall be binding on all the Pariſhioners belonging to the ſaid Pariſh Church of *St. Paul's*, and others dwelling in the ſaid Pariſh, not exempted by Law from paying towards the Support of the Church of *England (c)*; and ſhall be aſſeſſed by the Church Wardens and Veſtry in juſt and equal Proportions on every Pariſhioner, according to their ſeveral Abilities, and ſhall be collected, levied, and received, by the Church Wardens as preſented by the ſaid Act.

(b) 1. *Bac. Abr.* 373. *Burn's Eccleſ. Law* 1 *Vol.* 268, 269. and for the Arrears of Salaries of the Organiſt, &c.

ſuch Vote to be binding on all the Pariſhioners, not exempted by Law.

(c) *Burn's Eccleſ. Law* 2. *Vol.* 477. and to be aſſeſſed by the Church Wardens and Veſtry, and collected by the Church Wardens.

II. *Provided always, and be it Enacted*, That the ſaid Aſſeſſors ſhall not tax themſelves *(d)*, but they ſhall be aſſeſſed by at leaſt three of the other Pariſhioners, who ſhall be named for that purpoſe by the Pariſh at their Meeting for voting the Sums to be aſſeſſed.

The Aſſeſſors to be aſſeſſed by three Pariſhioners to be appointed at the Meeting.

(d) *Burn's Eccleſ. Law* 1. *Vol.* 273.

III. *Provided alſo*, That if any Perſon ſhall think himſelf over rated or otherwiſe aggrieved, he may appeal for Redreſs in Manner preſcribed by the afore recited Act, in Caſe the ſaid Rate ſhall exceed the Sum of Five Shillings, or if any Sum be unduly levied upon the ſaid Pariſhoners.

Appeal allowed to Perſons aggrieved.

IV. *And be it further Enacted*, That when, and ſo often, as any other Church or Churches ſhall be erected within the ſaid town of *Halifax*, or any other Town or Towns of the Province, and that Church Wardens and Veſtries ſhall be appointed in the ſame, that this Act and the ſaid former Acts, and every Clauſe, Direction, Authority and Power, in the ſame contained, ſhall extend and be in Force for all ſuch Church or Churches, as may ſo hereafter be erected and eſtabliſhed, in the ſame Manner as if the ſaid Church or Churches had been expreſſly named in this and the ſaid Acts as aforeſaid.

This and the former Acts to extend to all Churches which ſhall be erected hereafter.

CAP. VI.

CAP. VI.

An ACT for Eſtabliſhing and Regulating a MILITIA.

Preamble.

WHEREAS *by His Majeſty's Royal Inſtructions to his Excellency the Governor of this Province, he is directed to cauſe a* Militia *to be eſtabliſhed as ſoon as poſſible:* AND WHEREAS *the Security and Preſervation of this Province greatly depends upon the ſaid* Militia *being put into Methods, and under ſuch Rules as may make the ſame moſt uſeful for the Support and Defence thereof, and that as well for the Honor and Service of his moſt Sacred Majeſty, and the Security of this His Province, againſt any Violence or Invaſion whatſoever, as for the Preſervation of their own Lives and Fortunes, and that every Perſon may know his Duty herein, and be obliged to perform the ſame: Be it Enacted by his Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted,* That from and after the *firſt Day of December*, 1758, All Male Perſons, Planters, and Inhabitants and their Servants, between the Ages of *Sixteen* and *Sixty*, reſiding in and belonging to this Province, ſhall bear Arms and duly attend all Muſters and military Exerciſe of their reſpective Companies where they ſhall be inliſted or belong, allowing *Three Months* Time to every Son after coming to *Sixteen Years* of Age, and every Servant ſo long after his Time is out, to provide themſelves with Arms and Ammunition.

Perſons liable to Train.

II. And the Clerk of each Company, once a Quarter Yearly, ſhall take an exact Liſt of all Perſons living within the Precincts of ſuch Company, and preſent the ſame to the Captain, or chief Officer on Pain of forfeiting *Forty Shillings* for each Default, to be paid to the Captain or chief Officer to the Uſe of the Company, and in caſe of Non Payment, to be levied by Diſtreſs and Sale of the Offenders Goods, by Virtue of a Warrant from the Captain or chief Officer, who is hereby impowered to grant the ſame.

Clerk to take a Liſt of the Company once a Quarter.

III. That every Perſon inliſted in any Company, ſhall ſo continue and attend all Duty in ſuch Company, or otherwiſe ſuffer the Penalty by Law provided, until orderly diſmiſſed or removed out of the Town or Precinct of ſuch Company, and in Caſe of Removal into the Precinct of another Company in the ſame Town, to produce a Certificate under the Hand of the Captain or chief Officer of the Precinct whereunto he is removed, that he is inliſted there.

Perſons to attend Duty where inliſted.

IV. "That Regimental Muſters ſhall be made out once in "*Six Months* or as often as ſhall be required by the Governor or "Commander in Chief of the Province for the Time being, and every "Captain

2. *Geo.* 3. *Ch.* 6

" Captain or chief Officer of any Company of Militia having received " orders for that purpoſe from the Officer commanding any Regi- " ment of Militia or any other Corps or body of Militia who are " required to give Orders accordingly, ſhall be obliged on Penal- " ty of *Five Pounds* to draw forth his Company or cauſe them to " be drawn forth for exerciſing them in Motions, the uſe of Arms " and Shooting at Marks or other Military Exerciſes, *Eight Days* " in each Year and no more: to be regulated at the Diſcretion of " ſuch Commanding Officer, according as will beſt ſuit with the Con- " veniency of the People, and as will give the leaſt interruption to " their Labour and induſtry: And every Perſon liable to be trained " having three days Notice thereof and not appearing and attending " the ſame ſhall, for each days neglect, pay a fine of *Five Shillings*."

Militia Soldiers how to be armed.

V. That every Militia inliſted Soldier and other Houſeholder reſiding as aforeſaid, ſhall be always provided with proper and ſufficient Fire Arms, conſiſting of a Muſket, Gun, or Fuzil, not leſs than *Three Feet* long in the Barrel, two ſpare Flints, and Twelve Charges of Powder and Ball ſuitable to their reſpective Fire Arms, and to the Satisfaction of the Commiſſion Officers of the Company to which he belongs, on Penalty of *Forty Shillings*, for want of ſuch Arms as is hereby required, and *Two Shillings* for each other defective Appurtenant; and the like Sum for every *Four Weeks* he ſhall ſo remain unprovided or deficient: The Fine to be paid by Parents for their Sons under Age and under their Command, and by Maſters or Heads of Families for their Domeſticks or Servants, other than Servants upon Wages; to be levied on the Goods and Chattles of the Offender or Offenders, their Parents or Maſters, by Warrant under the Hand and Seal of one or more of His Majeſty's Juſtices of the Peace for the County wherein the Offence ſhall be committed, and for want of Diſtreſs, ſuch Offender or Offenders to ſuffer *One Month* Impriſonment and hard Labour,

Regimental Muſters and Training of Companies.

VI. That Regimental Muſters ſhall be made once in every *Six Months*, or as often as ſhall be required by the Governor or Commander in Chief of this Province for the Time being, and every Captain or Chief Officer of any Company or Regiment, ſhall be obliged, on Penalty of *Five Pounds*, to draw forth his Company, or cauſe them to be drawn forth, once every *Three Months* and no more to exerciſe them in Motions, the Uſe of Arms, and ſhooting at Marks, or other military Exerciſes, which every Perſon liable to be trained, having *Three Days* Notice thereof, and not appearing and attending the ſame, ſhall, for each Day's Neglect, pay a Fine of *Five Shillings*.

VII. That the Commiſſion Officers of any Company, or the major Part

Part of them, may order the correcting and puniſhing Diſorders and Contempt on a Training Day, or on a Watch; the Puniſhment not being greater than Commitment to hard Labour, not exceeding *Forty Eight Hours*, or *Five Shilling* Fine. Power of Commiſſion Officers.

VIII. That there be *military Watches* appointed and kept at ſuch Times, in ſuch Places, in ſuch Numbers, and under ſuch Regulations, as the Governor or Commander in Chief of this Province for the Time being ſhall appoint; and that all Perſons able of Body, and that are of Age, ſhall by themſelves, or ſome perſon in their Stead, to the Satisfaction of the Commanding Officer of the Watch, attend the ſame, on Penalty of *Ten Shillings* for each Defect, there having been due Warning given. Military Watches.

IX. Every Militia Soldier or other Perſon liable by Law, refuſing or neglecting to attend military Exerciſes on Training Days, or military Watches, that ſhall not pay or have any Eſtate to be found whereon to levy the Fine, it ſhall be in the Power of the Captain or chief Officer of ſuch Company, on the next Training Day after ſuch Neglect, (he not having ſatisfied the Clerk) to puniſh him for ſuch Offence by Commitment to hard Labour, not exceeding *Five Days*; and if ſuch a Delinquent ſhall abſent himſelf the *Second Day*, without giving ſufficient Reaſon to the Captain or chief Officer for ſuch Abſcence, it ſhall be in the Power of the chief Officer of the Company to direct a Warrant to any of the Conſtables of the Town wherein the ſaid Offence ſhall be committed, requiring him to apprehend ſuch Delinquent, and bring him into the Field, that he may be puniſhed as by this Law is provided; and all Conſtables are hereby required to execute ſuch Warrants accordingly. Penalty for not attending Military Exercises.

X. That the Perſons hereafter named be exempted from all Trainings, except ſuch as ſhall receive Commiſſions in the Militia, *viz.* The Members of His Majeſty's Council, the Members of the Aſſembly for the Time being, the Chief Juſtice, and other Judges of Courts, Juſtices of the Peace, Attorney General, Treaſurer of the Province, Regiſter of the Province, Chief Surveyor of Lands, Naval Officer and his Deputy or Clerk, the Secretary, Miniſters, Provoſt Marſhal, Field Officers, the Collector and Surveyor of His Majeſty's Cuſtoms, and the Waiter, conſtant Ferry Men, one Miller to each Griſt Mill, conſtant Herdſmen, and lame Perſons or otherwiſe diſabled in Body, producing a Certificate thereof from two able Chirgeons. Perſons exempted from Trainings.

XI. That the Members of His Majeſty's Council be, and hereby are exempted from military Watches and Warding Members of the Council exempted from Watches and Warding.

Commiſſion Officers to appoint Serjeants and Corporals.

XII. That the Captain and Commiſſion Officers of each Company ſhall, and are hereby fully impowered, to nominate and appoint proper Perſons to ſerve as *Serjeants* and *Corporals* in their reſpective Companies, and to diſplace them and appoint others in their Room, as they ſhall ſee Occaſion.

View of Arms to be made twice a Year.

XII. That twice every Year, or oftner if required, every Captain or chief Officer of each Company, ſhall give Order for a diligent Enquiry into the State of his Company, and for taking an exact Liſt of the Names of his Soldiers, and other Inhabitants within the Limits of his Company, and of the Defects of Arms or otherwiſe, and Names of the defective Perſons, that they may be proſecuted as the Law hath provided, and that ſuch Care may be taken as is proper to remedy the ſame.

How Perſons unable to buy Arms, may be provided.

XIV. That if any Perſon who is by Law obliged to provide Arms and Ammunition, cannot purchaſe the ſame by ſuch Means as he hath, if he bring to the Clerk of the Company the full Value thereof, according to the Appraiſement of the Clerk and two other Perſons mutually choſen, he thereupon ſhall be excuſed from the Penalties for want of Arms and Ammunition, until he can be provided, which the ſaid Clerk ſhall provide as ſoon as may be, by Sale of ſuch Goods, and render the Overplus, if any be; but the Party ſhall notwithſtanding give his perſonal Attendance upon all occaſions as other Militia Soldiers, until he be ſupplied, and at ſuch Times ſhall perform any proper ſervice he may be put upon by the Captain or chief Officer of the Company he belongs to: But if the Perſon be adjudged unable to buy Arms, or to lay down the Value propoſed, if he be a ſingle Man, he ſhall be put out to Service by any two of His Majeſty's Juſtices of the Peace, to earn wherewith to buy Arms and Ammunition.

Penalty 40s. for refuſing to ſerve as Clerk.

XV. That ſuch proper Perſons as by the Commiſſion Officers of any Company ſhall be appointed Clerk, and ſhall refuſe to ſerve, ſhall pay *Forty Shillings* Fine, and another be choſen in his Room, and ſo until one do accept: which Perſon ſhall be under Oath for the faithful Diſcharge of his Office, to be adminiſter'd unto him by a Juſtice of the Peace of the County, in the Words following.

Clerk's Oath.

YOU do ſwear truly to perform the Office of Clerk of the military Company under the Command of A. B. *Captain, to the utmoſt of your Skill and Power, in all Things appertaining to your Office, according to Law.*

So help you G O D.

XVI. And

His Allowance.

XVI. And for every Diſtraint made for any Fine not exceeding *Forty Shillings*, he ſhall have one Quarter Part for his Pains and Trouble and for ſuch Fines he may deſtrain *ex officio*, and in ſuch Diſtreſs ſhall obſerve ſuch Rules as the Law hath provided in other Caſes; and upon *Ten Days* Notice ſhall account with and pay the Captain or chief Officer what Fines he hath received, his own Part being deducted.

Meeting of the Chief Officers of the Regiment,

XVII. The chief military Officer of the Regiment, as often as he ſhall ſee cauſe, ſhall require the Captain or chief Officer of each Company in his Regiment, to meet at ſuch Time and Place as he ſhall appoint, and there with them to confer, and give in Charge ſuch Orders as ſhall by them, or the major Part of them, be judged meet for the better ordering and ſettling their ſeveral Companies, and for the better promoting military Diſcipline amongſt them; and the chief Officer is hereby impowered by his Warrant, directed to any Clerk or Officer of his Regiment, to ſummon or cauſe to be brought before them any Offender againſt this Act; and according to Law to hear and determine all Matters proper for their Cognizance, and to give Sentence, and to grant Mittimus or Warrants of Diſtreſs to the Clerk of the Company where the Offence is committed; for executing which Warrant, if above *Forty Shillings*, he ſhall have *Ten Shillings*, out of the ſame for his Pains and Trouble therein, and no more.

their Power.

Clerk not to diſtrain ex officio, until ſix Days after the Offence committed.

XVIII. That no Clerk *ex officio* make Diſtraint for any Fine until *Six Days* after the Offence committed, that ſo the Party may have Opportunity to make Excuſe, if any he hath, why he ſhould not pay the Fine, and every Clerk that neglects or refuſes to account or make Payment as by this Law is provided, he, by a Warrant from the chief Officer of the Company, directed to the Conſtable, may be diſtrained on for ſo much as he hath or ſhould have collected or diſtrained for.

Penalty £5. on Officers diſobeying their Superior Officers.

XIX. That all Officers yield Obedience to the Warrants or Commands of their Superior Officers, on Penalty of *Five Pounds*, to be heard and determined at the next Meeting of the chief Officers and Captains of the Regiment, and the Fine to be taken by Diſtreſs and Sale of the Offender's Goods, (returning the Overplus if any be) by Warrant from the Chief Officer of the Regiment, directed to the Clerk of the Company to which ſuch Offender belongs, and to be applied to the Uſe and Benefit of ſuch Company as the Officers ſo met ſhall agree, their Expences being firſt defrayed out of the ſame, not exceeding *Twenty Shillings*.

XX. That an Alarm at the Citadel in the Town of *Halifax*, being made

Alarm, how to be made.

made upon ſuch Cauſes as are agreeable to Inſtructions to be given by the Governor or Commander in Chief for the Time being, to the Officer commanding at the Citadel, ſhall be by firing a Beacon at the Summit of the Citadel Hill, or ſuch other Place as the Governor or Commander in Chief for the Time being ſhall hereafter appoint, and and by firing four Guns at the Parade in the Town of *Halifax*, or at ſuch other Place as the Governor or Commander in Chief for the Time being ſhall appoint, diſtinctly one after the other, and alſo by firing four Guns at *George's Iſland* diſtinctly one after the other, at the Diſtance of *Five Minutes* after the Firing the Four firſt mentioned Guns at the Parade, or ſuch other Place as aforeſaid, all Perſons being called up to Arms, upon which all the trained Officers, Soldiers, and others capable to bear Arms, that are then reſident in the ſaid Town, Suburbs, or Peninſula of *Halifax*, in Caſe the Alarm ſhould be made, ſhall forthwith appear compleat with their Arms and Ammunition according to Law, at ſuch Place or Placesof Rendezvous as may, from Time to Time, be appointed by the Governor or Commander in Chief for the Time being, there to attend ſuch Commands as ſhall be given for His Majeſty's Service, and that on the Penalty of *Five Pounds*, or *Three Months Impriſonment*. The Members of His Majeſty's Council, Juſtices, and Provoſt Marſhal, to attend upon His Excellency the Governor, if at *Halifax*, and in other Places to appear and adviſe with the chief Military Officers of the Place where ſuch Alarm ſhall be made, and to be aſſiſting in His Majeſty's Service according to their Quality. And if any Perſon ſhall willfully make any falſe Alarm he ſhall be fined to His Majeſty *Fifty Pounds*, for Support of the Government, or ſuffer *Twelve Months Impriſonment*. And all Alarms in other Parts of the Province, to be according to Inſtructions given by the Governor or Commander in Chief for the Time being, to the Officers commanding there.

Penalty 5*l.* not appearing upon an Alarm.

Penalty 40*s.* for firing Guns. &c. after Sunſet at *Halifax*, &c.

XXI. And for the better preventing of falſe Alarms, *Be it further Enacted by the Authority aforeſaid*, That no Captain, Maſter or Commander of any Ships or Veſſel, riding at Anchor or being within the Harbour of *Chebucto*, or any other Perſon or Perſons whatſoever, either afloat or on ſhore, within the Town, Suburbs, or Peninſula of *Halifax*, the Town or Suburbs of *Dartmouth*, or Places adjacent, ſhall preſume to fire any Guns or ſmall Arms, or beat any Drum, after Sun-ſet, unleſs on ſome lawful Occaſion, under the Penalty of *Forty Shillings* for every Gun or ſmall Arm ſo fired or Drum beaten, to be levied by Warrant from any one of His Majeſty's Juſtices of the Peace for the County of *Halifax*, (who is hereby impowered to iſſue the ſame and to give Judgment thereupon) by Diſtreſs and Sale of the Offender's Goods, and for Want of ſuch Diſtreſs, to commit ſuch Offender

Offender to the Gaol, there to remain until Payment be made of the ſame.

Not to extend to Officers of his Majeſty's ſhips or Troops, firing in the Execution of their Duty

XXII. *Provided always*, That this Clauſe ſhall in no wiſe be conſtrued to extend to any Captain or other Officer of any of His Majeſty's Ships of war, for their Firing at ſetting the Watch, nor to any of His Majeſty's Troops on Shore or on Board, in the Execution of their Duty.

Perſons exempted from Training to be provided with Arms and Ammunition.

XXIII. That all Perſons exempted by this Law from Training ſhall, notwithſtanding, be provided with Arms and Ammunition compleat, upon the ſame Penalty as thoſe that are obliged to Train.

Proſecution to be within three Months

XXIV. *Provided*, That no Perſon or Perſons whatſoever ſhall be ſued, proſecuted, or his Goods and Chattels liable to any Seizure, by Virtue of any Clauſe in this Act before mentioned, but within the Space of *Three Months* after committing the reſpective Facts hereby made Offences, and not at any Time after the ſaid *Three Months*.

Fines how to be recovered & diſpoſed of.

XXV. All Fines, Penalties, and Forfeitures ariſing by Virtue of this Act or any Breach thereof, (not otherwiſe diſpoſed therein) ſhall be for the Uſe of the Regiment or Company reſpectively wherein the ſame doth ariſe, *(that is to ſay)* for the procuring and repairing Drums, Colours, Banners, Halberts, Pay of Drummers, or other Charge of the ſaid Company, and the Overplus, (if any be) to be laid out in Arms and Ammunition for a Town Stock: And be recoverable by Action, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record.

Penalty 40s. for refuſing to ſerve as Serjeant or Corporal.

XXVI. 2d. *Geo.* 3. *Chap.* 6. That any Perſon who ſhall be nominated and appointed to ſerve as a Serjeant or Corporal, as directed in the above mentioned Act, and ſhall refuſe to ſerve, ſhall pay Forty Shillings Fine, and another ſhall be choſen in his Room and ſo on until one do accept.

And 10s. for Neglect of Duty.

XXVII. *And be it further Enacted*, That if any Serjeant or Corporal ſhall be guilty of any Neglect of Duty, or ſhall be drunk, or be diſorderly while on Duty, ſuch Serjeant or Corporal ſhall forfeit and pay the Sum of Ten Shillings, or to be committed and ſet to hard Labour for Forty Eight Hours which ſaid Fines ſhall be recovered and applied in the ſame Manner, as directed by the above mentioned Act for a Perſon refuſing to ſerve as Clerk.

Supernumerary Commiſſion Officers.

XXIII. *And Whereas there are ſundry ſupernumerary Militia Officers commiſſion'd in this Province, who are not appointed to any particular,*

Companies; *Be it Enacted*, That ſuch Officers ſhall not be obliged to do Duty as Non Commiſſioned, or Private; But ſhall nevertheleſs hold themſelves in Readineſs to do Duty according to their Rank when ordered by the Officers commanding in the their reſpective Diſtricts.

Drummers to remain in their Companies, altho' not reſident in their Diſtrict.

XXIX. *And be it further Enacted*, That if any Perſon be appointed to be a Drummer in any Company, he ſhall remain in the ſaid Company, notwithſtanding he may not reſide in the Diſtrict which compoſes the ſame. *Provided*, That no Drummer ſhall be obliged to ſerve in any Company, but in the Town where he reſides, unleſs ordered on a March.

XXX. 22. *Geo.* 3. Ch. 5th. Sect. 1. That all ſuch Fines and Forfeitures as have or ſhall and may be incurred in Purſuance of former Acts, ſhall be levied by Warrant of Diſtreſs and Sale of the Offenders Goods and Chattels, under the Hand and Seal of the Officer commanding the Regiment, Troop, or Company, to which the Offender ſhall belong, directed to the Sheriff of the County, his Deputy, or the Conſtables where the Offence ſhall be committed, and be paid to ſuch Commanding Officer.

XXXI. Sect. 2. That all Committments for Diſobedience of Order or Neglect of Duty, which are directed by any former Acts to be to the Houſe of Correction, ſhall be to the Goal of the County, where the Offence ſhall be committed, and that the Warrant for that Purpoſe ſhall be granted in like Manner, and be directed as aforeſaid, that Execution thereof may be done.

Militia Act to extend throughout the Province.

XXXII. *And be it further Enacted*, That the ſaid Act, intitled, *An Act for eſtabliſhing and regulating a Militia*, together with the Additions and Amendments thereto, be conſtrued and are hereby declared, to extend all over this Province.

CAP. VII.

An ACT to prevent *foreſtalling the Market.*

Preamble.

WHEREAS *large Quantities of live Stock, freſh Proviſions, and other Articles, are imported into this Province for Sale from the neighbouring Colonies, and divers Perſons make a Practice of engroſſing the ſame immediately upon the Arrival thereof, to the great Prejudice of the Inhabitants*; *Be it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame*

ſame it is hereby Enacted, That all Kinds of *live Stock*, (*Oxen* and *Sheep* excepted) all *dead freſh Proviſion*, *Grain*, *Hay*, *Roots*, or *Garden Stuff*, which ſhall be imported for Sale into any Port of this Province, after Publication hereof, ſhall, by the Importers thereof, be brought to ſome *Public Wharf*, and there openly expoſed to Sale, for *Forty Eight Hours*; and public Notice ſhall be given thereof through the Town or Place where the ſame ſhall be ſo imported, by the common Cryer: And no ſuch *live Stock* or *dead freſh Proviſion* whatſoever, *Grain*, *Hay*, *Roots*, or *Garden Stuff*, ſhall, during the ſaid *Forty Eight Hours*, be ſold, or contracted for in Groſs, to or with any Perſon or Perſons whatſoever, on Penalty of the Forfeiture of the Article or Articles ſo ſold, or bought, or contracted for, or the Value thereof, upon Conviction by the Oath of one Credible Witneſs before any two of His Majeſty's Juſtices of the Peace, to be levied by Warrant of Diſtreſs, under the Hands and Seals of the ſaid Juſtices; *One Half* of ſuch Forfeitures to be to the Uſe of the Informer, and the *other Half* to the Uſe of the Poor of the Place where ſuch Forfeiture ſhall be incurred.

Live Stock, Dead freſh Proviſions, &c. to be expoſed to Sale 48 Hours, on ſome public Wharf.

Notice to be given thereof by the Cryer.

not to be ingroſſed, on Pain of forfeiting the Value

II. *Provided always*, That nothing in this Act ſhall be conſtrued to extend to the Importation of *Flour* of all Kinds, *Biſcuit Bread*, or *Fiſh*.

Not to extend to Flour, Biſcuit or Fiſh

III. *Provided alſo*, That in Caſe any *dead freſh Proviſion* ſhall, at any Time be imported, which by the length of the Paſſage, or other Accident, ſhall be periſhing, or in a decaying Condition, That then, upon Application of the Importer to Two of His Majeſty's Juſtices of the Peace, ſetting forth upon Oath, ſuch the Condition of the Proviſion ſo imported, ſuch Juſtices may, and they are hereby impowered, under their Hands and Seals, to grant Permiſſion to ſuch Importer, immediately to ſell and diſpoſe of ſuch Proviſion in the ſpeedieſt manner, any thing in this Act contained to the contrary *notwithſtanding*.

Dead freſh Proviſion, periſhing, excepted.

IV. *And be it further Enacted*, That all Proſecutions under this Act ſhall be within *Ten Days* after the Offence committed.

Proſecution within Ten Days.

CAP. VIII.

CAP. VIII.

An ACT relating to *Wills*, *Legacies*, and *Executors* and for the Settlement and Distribution of the Estates of *Intestates*.

Eng. Stat. 34 & 35. *H.* 8. *c.* 5. *Sect.* 4. 14. 29. *Car.* 2. *c.* 3. *Sect.* 5. 6.

BE *it enacted, by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby Enacted,* That every Person shall have Power to give and devise, by his or her last *Will and Testament* in Writing, and signed by the Party so giving and devising, or by some other Person in his Presence, and by his express directions, and attested and subscribed, in the Presence of the Devisor, by Three or more credible Witnesses, any *Lands Tenements*, or *Hereditaments*, whereof he or she shall, at the Time of his or her so giving or devising the same by such *Will*, be lawfully seized, either of a Sole Estate in Fee simple, or of any Estate, in Coparcenary, or in Common in Fee simple, in Possession, Reversion, or Remainder, as much as in him of Right is, to the said *Lands*, *Tenements*, and *Hereditaments*, or in like Manner to devise any Rents or Profits out of the same at his Pleasure. *Provided*, that *Wills* made of any *Lands*, *Tenements*, or *Hereditaments*, or any Rents or Profits out of the same, by any *Woman Covert*, or Person within the Age of *Twenty One Years*, *Idiot*, or of *unsound Mind*, shall not be good in Law.

Any Person may, by their last Will, devise Lands, &c.

3. *Lev.* 86. *Carthew* 135. 514. 3 *Mod.* 211. 262.

Feme Covert, &c. excepted.

II. *And be it further Enacted*, That no *Devise* in Writing of any *Lands*, *Tenements*, or *Hereditaments*, shall be revocable, otherwise than by some other *Will* or *Codicil* in Writing, or other *Writing* signed in the Presence of Three or more Witnesses, declaring the same, or by burning, cancelling, tearing or obliterating the same by the *Testator* himself, or in his Presence, and by his Directions and Consent.

No Devise in Writing to be revocable but by another Will, &c.

3. *Mod.* 260.

Eng. Stat. 29. *Car.* 2. *c.* 3. *Sect.* 19. Nuncupative Will.

III. *And be it further Enacted by the Authority aforesaid*, That from and after the *First* Day of *January*, in the Year of *our Lord One Thousand Seven Hundred and Fifty nine*, no *Nuncupative Will* shall be good, where the Estate thereby bequeathed, shall exceed the Value of *Thirty Pounds*, that is not proved by the Oath of *Three Witnesses* (at the least) that were present at the making thereof, nor unless it be proved that the *Testator*, at the Time of pronouncing the same, did bid the Persons, present, or some of them bear Witness, that such was his Will, or to that Effect; nor unless such *Nuncupative Will* was made in the Time of the last Sickness of the Deceased, and in the House

Houſe of his or their Habitation or Dwelling, or where he or ſhe hath been reſident, for the Term of *Ten Days* or more, next before the making of ſuch *Will*, except where ſuch Perſon was ſurpriſed or taken ſick being from his own Houſe, and died before he returned to the Place of his or her Dwelling.

IV. *And be it further Enacted*, That after *Six Months* paſt after the ſpeaking of the pretended *Teſtamentary Words*, no Teſtimony ſhall be received to prove any *Will Nuncupative*, except the ſaid Teſtimony or the Subſtance thereof, be committed to Writing, within *Six Days* after making the ſaid *Will*.

Eng. Stat. 29 *Car.* 2. *c.* 3. *Sect.* 20. Not to be proved after Six Months, unleſs, &c.

V. *And be it further Enacted*, That no Letters *Teſtamentary* or *Probate* of any *Nuncupative Will*, ſhall paſs the Seal of any Court, till *Fourteen Days*, at the leaſt, after the Deceaſe of the *Teſtator* be fully expired, nor ſhall any *Nuncupative Will* be at any Time received to be proved, unleſs Proceſs have firſt iſſued to call in the Widow, or next of Kindred to the Deceaſed, to the End they may conteſt the ſame. And all ſuch Witneſſes as ought to be allowed to be good Witneſſes upon Trials at Law, ſhall be deemed good Witneſſes to prove any *Nuncupative Will*, or any Thing relating thereunto.

Eng. Stat. 29 *Car.* 2. *c.* 3. *Sect.* 21. Letters Teſtamentary, &c. not to paſs any Court till 14 Days after the Teſtator's Deceaſe, &c.
Eng. Stat. 4 & 5 *An. c.* 16. *Sect.* 14.

VI. *And be it further Enacted*, That no *Will* in Writing, concerning any *Perſonal Eſtate* ſhall be repealed, nor ſhall any Clauſe, Deviſe, or Bequeſt therein, be altered or changed by Words or *Will*, by Word of Mouth only, except the ſame be, in the Life of the *Teſtator*, committed to Writing, and, after the Writing thereof, read unto the *Teſtator* and allowed by him, and proved to be ſo done, by *Three Witneſſes* at the leaſt. *Provided nevertheleſs*, That any Soldier, being in actual Military Service, or any Mariner or Seaman, being at Sea, may diſpoſe of his *Moveables*, *Wages*, and *Perſonal Eſtate*, as they might have done before the making of this Act, and that nothing in this Act ſhall alter the Juriſdiction or Right of *Probate of Wills*, concerning *Perſonal Eſtates* veſted in the Governor, or Commander in Chief for the Time being, who ſhall retain the ſame Right and Power as they had before in every reſpect, ſubject nevertheleſs to the Rules and Directions of this Act.

Eng. Stat. 29 *Car.* 2. *c.* 3. *Sect.* 22 & 23. No Will in Writing concerning Perſonal Eſtate, to be repealed, or changed by Word of Mouth only, unleſs committed to Writing in the Life of the Teſtator.

Soldiers and Seamen excepted,

Not to extend to the Probate of Wills, concerning Perſonal Eſtates, veſted in the Governor.
Eng. Stat. 29 *Car.* 2. *c.* 3. *Sect.* 24.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any *Executor* or *Executors* of the *Will* of any Perſon deceaſed, knowing of their being ſo named and appointed, ſhall not, within the Term of *Thirty Days* next after the Deceaſe of the *Teſtator*, cauſe ſuch Will to be proved, and recorded in the Regiſter's Office, of the ſame County where the deceaſed Perſon laſt dwelt, or preſent the ſaid *Will*, and declare his or their Refuſal of the Executorſhip; every Executor ſo neglect-

Executors, knowing of their being appointed, to prove Wills in 30 Days, &c.

on Penalty of 5*l.* per Month.

ing his or her Truſt and Duty in that Behalf, (without juſt Excuſe made and accepted for ſuch Delay) ſhall forfeit the Sum of *Five Pounds* every *Month*, from and after the Expiration of the ſaid *Thirty Days*, until he or they ſhall cauſe Probate of ſuch *Will* to be made, or preſent the ſame as aforeſaid: Every ſuch Forfeiture to be had and recovered by Action of Debt, in the *Inferior Court of Common Pleas* in the ſame County, at the Suit of any of the Heirs or Creditors, and for the Uſe of him or them that ſhall inform and ſue for the ſame. And upon any ſuch Refuſal of the Executor or Executors, the Judge ſhall commit Admininiſtration of the Eſtate of the Deceaſed, with the *Will* annexed, unto the Widow, or next of Kin to the Deceaſed, and upon their Refuſal, to one or more of the principal Creditors as he ſhall think fit.

Eng. Stat. 21. *H.* 8. *c.* 5. *Sect.* 3. Upon the Executor's Refuſal, the Judge to commit Adminiſtration to the Widow, or next of Kin, and on their Refuſal, to Principal creditors.

VIII. *And be it further Enacted*, That if any Perſon or Perſons ſhould be found guilty of ſuppreſſing any *laſt will and Teſtament*, ſuch Perſon or Perſons ſhall be ſubject and liableto the ſame Penalty, as by this Act is preſcribed for Perſons neglecting to prove any *laſt Will and Teſtament*.

Penalty for ſuppreſſing Wills.

IX. *And be it further Enacted*, That where any certain Legacy is or ſhall be bequeathed, and given by any Perſon in his or her laſt *Will* and *Teſtament*, as alſo where any Reſiduary or uncertain Legacy is, or ſhall, by the Account of any Executor, be reduced to a Certainty, every ſuch Legacy and Legacies as aforeſaid, may be ſued for and recovered at Common Law; any Law, Cuſtom or Uſuage to the contrary *notwithſtanding*.

Legacies aſcertained, recoverable at the Common Law.

X. *And be it further Enacted*, That henceforth every Executor named in any *Will*, taking upon him that Charge by proving ſuch *Will*, within the Space of *Three Months* next after Probate thereof, (or at ſuch further and longer Time, as the *Judge of Probate* ſhall ſee meet to allow, the Circumſtances of any Eſtate requiring the ſame) ſhall exhibit into the Regiſter's Office, upon Oath, a full and true Inventory of the whole Eſtate of the Deceaſed, ſo far as is then come to his Hands and Knowledge; and ſhall add thereto what and ſo much as may further afterwards appear, on Pain of forfeiting *Five Pounds* for every *Month*'s Neglect thereof afterward, as is by Law provided for not preſenting a *Will* and to be recovered in like manner. *Provided nevertheleſs*, That in *Wills* where, after the Payment of Debts, and of any certain particular Legacy or Legacies, the Reſidue or Remainder of the Eſtate is bequeathed generally to any one or more Perſons, other than the Executors themſelves; in every ſuch Caſe, an Inventory of the Eſtate ſhall be preſented upon Oath as aforeſaid, and the Executors ſhall be liable to account as Adminiſtrators are, by Law, obliged to do.

Executors to exhibit an Inventory of the Eſtate of the Deceaſed, within three Months after Probate, on Pain of 5*l.* for every Month's Neglect,

and liable to account in like Manner as Adminiſtrators.

XI. *And*

Reſiduary Legatee may bring Action of Account againſt Executors.

XI. *And* any Executor being a reſiduary Legatee, may bring his Action of Account againſt his *Co Executor* or *Executors*, of the Eſtate of the *Teſtator*, in their Hands, and may alſo ſue for and recover his equal and rateable Part thereof. And any other reſiduary Legatee ſhall have like Remedy againſt the Executors.

Adminiſtration. *Eng. Stat.* 22 & 23. *Car.* 2. *c.* 10. *Sect.* 2. *Vaughan* 96.

XII. *And be it further Enacted*, That when and ſo often as it ſhall happen that any Perſon dies *Inteſtate*, upon Application of the Widow or next of Kin to the *Inteſtate*, within *Thirty Days* after the Death of ſuch *Inteſtate*, the ſaid *Judge of Probate* ſhall grant *Letters of Adminiſtration* to ſuch Widow or next of Kin: And in caſe they neglect to apply within the ſaid *Thirty Days*, upon firſt citing ſuch Widow or next of Kin, and their Refuſal to accept the ſame, ſuch *Judge of Probate* ſhall grant Adminiſtration to ſuch Perſon or Perſons as he ſhall judge fit; and he ſhall thereupon take Bond with Sureties, in Manner as is directed by the Statute of the *Twenty Second* and *Twenty Third* of *Charles the Second*, *Chapter* the *tenth*, intitled, *An Act for the better ſettling Inteſtates Eſtates*; and ſhall and may proceed to call ſuch Adminiſtrators to Account for, and touching the Goods of the *Inteſtate*: And upon due Hearing and Conſideration thereof, (Debts, Funeral, and juſt Expences of all Sorts, being firſt allowed) the ſaid *Judge* ſhall, and hereby is fully impowered, to order and make a juſt Diſtribution of the *Surpluſage*, or remaining Goods and Eſtate, as well *Real* as *Perſonal*, in Manner following, *That is to ſay*, *One Third* Part of the *Perſonal Eſtate*, to the Wife of the *Inteſtate* for ever, beſides her Dower in the *Houſes* and *Lands* during Life, where ſuch Wife ſhall not be otherwiſe Endowed before Marriage; and the ſaid *Judge*, having appointed *Guardians* in Manner as hereafter may or ſhall be by Law preſcribed for all *Minors*, ſhall then, out of all the Reſidue of ſuch *Real* and *Perſonal* Eſtate, diſtribute *two* Shares or a *double Portion* to the *Eldeſt* Son then Surviving, (where there is no Iſſue of the *Firſt* born, or of any other *Elder* Son) and the Remainder of ſuch Reſidue equally to and amongſt his other Children, and ſuch as ſhall legally repreſent them; *Provided* that Children advanced by Settlement or Portions not equal to the others Shares, ſhall have ſo much of the *Surpluſage*, as ſhall make the Eſtate of all to be equal, except the *Eldeſt* Son then Surviving (where there is no Iſſue of the *Firſt* born, or of any other *Elder* Son) who ſhall have *two* Shares or a *double Portion* of the whole.

and Diſtribution of Eſtates of Inteſtate.

Children advanced in the Lifetime of the Inteſtate.

XIII. *And be it further Enacted*, That ſuch Eſtate wherewith ſuch Child or Children, have been advanced in the Lifetime of the *Inteſtate*, ſhall be accounted for upon the Oath of ſuch Child or Children, before ſuch *Judge of probate of Wills*, and for granting *Letters of*

of Administration, or by other Evidence to the Satisfaction of the *Judge*; and in Case of Refusal to Account upon Oath, such Child or Children, so refusing, shall be debarred of any Share in the Estate of the *Intestate*.

Division of Lands.

XIV. *And it is hereby Enacted*, That the Division of such *Lands* or *Tenements*, shall be made by *five* sufficient Freeholders upon Oath, or any *three* of them, to be, for that Purpose, appointed and sworn by the *Judge*. *Provided nevertheless*, that if all the Parties interested in such *Lands* or *Tenements*, being of lawful Age, shall, by *Deed*, agree to a Division, such Agreement, being acknowledged before the *Judge* by the Parties subscribing and sealing the *Deed*, the said *Deed* being entered on Record in the *Probate Office*, shall be deemed a legal and valid Partition and Settlement of such Estate, as effectually to all Intents as if the same had been divided and settled by *Writ of Partition*, and be received and allowed in Evidence, on any Trial against the Parties so interested in the said *Lands* and *Tenements*.

Of Estates in Houses and Lands which cannot be divided without Prejudice to the whole.

XV. *Provided nevertheless*, That where any Estate in *Houses* and *Lands* cannot be divided among all the Children, without great Prejudice to the whole, the said *Judge* may, on Evidence of the same, order the whole unto the *Eldest* Son, or, upon his Refusal, to any other of the Sons successively; He paying unto the other Children of the Deceased, their equal and proportionable Parts or Shares of the true Value of such *Houses* and *Lands*, upon a just Appraisement thereof, to be made by *three* sufficient Freeholders upon Oath, to be appointed and sworn as aforesaid, or giving good Security to pay the same in some convenient Time, as the said *Judge* shall limit, making reasonable Allowance in the mean Time, not exceeding *Six Pounds* by the *Hundred* in the Year. And if any of the Children happen to die, before he or she come of Age, or be married, the Portion of such Child deceased, shall be equally divided among the Survivors. And in case there be no Children, or any legal Representatives of them, then *One Moiety* of the *Personal Estate* shall be allotted to the Wife of the *Intestate* for ever, and *One Third* of the *Real Estate* for *Term of Life*. The Residue both of the *Real* and *Personal Estate*, equally to every of the next of Kin of the *Intestate* in equal Degree, and those who legally represent them. No Representatives to be admitted among Collaterals after Brother's and Sister's Children. And if there be no Wife, all shall be distributed among the Children, and if no Child, to the next of Kin to the *Intestate* in equal Degree, and their legal Representatives as aforesaid, and in no other Manner whatsoever. And every one to whom any Share shall be allotted, shall give Bond with Sureties before the said *Judge*

Of Portions of Children dying unmarried or under Age. 1. *Vent.* 316.

1 *Salk.* 250. *Raym.* 496.

of

Judge of Probate, if Debts afterwards be made to appear, to refund and pay back to the Adminiſtrator, his or her rateable Part thereof, and of the Adminiſtrators Charges.

Widow's Dower, after her Death to be divided in like Manner.

XVI. *And it is hereby Enacted*, That the Lands and Tenements wherewith any Widow ſhall be ſo endowed as aforeſaid, ſhall, after the Deceaſe of ſuch Widow, be divided in like Manner as by this Act is directed.

Perſons aggrieved may appeal to the Governor and Council.

XVII. *Saving* to any Perſon aggrieved at any Order, Sentence, or Decree made for the Settlement and Diſtribution of any *Inteſtate* Eſtate, their Right of Appeal unto the *Governor* and *Council*: Every Perſon ſo appealing, giving Security to proſecute the Appeal with Effect. *Provided* that ſuch Appeal be made within *Thirty Days* after Sentence by the *Judge of Probate*.

Eſtates not comprized in any laſt Will, to be diſtributed as Inteſtate Eſtates.

XVIII. *And be it further Enacted*, That all ſuch Eſtate, *Real* or *Perſonal*, as is not comprized in any *laſt Will* and *Teſtament*, or is not plainly deviſed or given by the ſame, ſhall be diſtributed in the ſame Manner as *Inteſtate Eſtates* are directed to be diſtributed by this Act.

Where Perſonal Aſſets are deficient, Real Eſtate ſhall be ſold for Payment of Debts and Legacies.

34. *Geo.* 2. *Ch.* 5.

XIX. *And be it further Enacted*, That in caſe that *Perſonal Aſſets* ſhall be deficient for the Payment of any Debts or Legacies, and it ſhall be found neceſſary by any Executor or Adminiſtrator to make Sale of any Part of the *Real Eſtate* of the Deceaſed, for the Payment of any Debts or Legacies, ſuch Executor or Adminiſtrator ſhall apply to the Governor or Commander in Chief for the time being, and His Majeſty's Council of this Province, who are hereby authoriſed, and impowered to take Cognizance thereof, and to grant a Licence for the Sale of ſuch Part of ſuch *Real Eſtate*, as may be moſt convenient for the Payment of ſuch Debts or Legacies, and before any Sale be made of any *Real Eſtate*, the Executor or Adminiſtrator ſhall give *Thirty Days* publick Notice, by poſting up Notifications in the moſt publick Places in the Town where the deceaſed Perſon laſt dwelt, and in the *publick Prints*, if any ſuch there be; and whoever will give moſt ſhall have the Preference in ſuch Sale. And in Caſe the Eſtate of ſuch *Inteſtate* ſhall be *Inſolvent*, the Executor or Adminiſtrator ſhall make like Application to the Governor or Commander in Chief for the Time being, and His Majeſty's Council, for an *Inquiry*, and for the Appointment of Commiſſioners to inquire into ſuch *Inſolvency*, and to examine and ſettle the Claims of all Creditors, and the Amount of the Eſtate of ſuch *Inſolvent*, and to authorize ſuch Executor or Adminiſtrator to ſell all the *Lands* and *Tenements* of ſuch *Inſolvent*, and to divide the Produce of the whole of ſuch Eſtate, in due Proportion to and among the Creditors.

In caſe of Inſolvent Eſtates, the Governor or Commander in Chief for the Time being, and his Majeſty's Council ſhall appoint Commiſſioners to ſettle the Claims of Creditors, & to ſell Real Eſtate to pay them.

Executors to give Security for a juſt Diſtribution.

XX. 34. *Geo.* 2. Chap. 5. Sect. 2. *And be it further Enacted*, That every Executor or Adminiſtrator, who may, be authoriſed and impowered to make Sale of any Real Eſtate, ſhall, before ſuch Sale made, give Bond by himſelf, or his lawful Attorney, with Two Sureties, at the Office of the Regiſter of the Court of Probates, in the County where ſuch Real Eſtate ſhall lie, for the juſt and legal Diſtribution of the Monies ariſing from ſuch Sale, in the full Value which, by the Report of the Commiſſioners for that Purpoſe appointed, ſhall be certified to be neceſſary to be raiſed by ſuch Sale.

Lands, &c. ſold by Virtue of this Act, to be the abſolute Property of the Purchaſer.

XXI. Sect. 3. *And be it further Enacted by the Authority aforeſaid*, That all Lands, Tenements, or Hereditaments, ſold by any Executor or Adminiſtrator by Virtue of the Act aforeſaid, ſhall become the abſolute and undoubted Right and Property of the Purchaſer or Purchaſers thereof, from and after the Time of ſuch Sale.

CAP. IX.

An ACT to prevent the Sale of *Slop Cloathing*, and for puniſhing the Concealers or Harbourers of *Seamen* or *Marines* deſerting from the *Royal Navy*.

Preamble.

WHEREAS for the better carrying on the preſent War, it has been His Moſt Gracious Majeſty's Royal Will and Pleaſure, from Time to Time, to ſend large Squadrons of His Ships of War into North-America: *And Whereas the Harbour of* Halifax *in this His Majeſty's Province of* NOVA-SCOTIA, *from its Situation, great Convenience, and Safety for Capital Ships, hath always hitherto been, and probably during the War, will continue to be the Rendezvous of his Majeſty's Fleet in that Part of His* American *Dominions. And Whereas many and great Inconveniencies have ariſen to the ſervice of the Royal Navy, by Perſons enticing, aſſiſting, harbouring and concealing Seamen deſerting from His Majeſty's Ships, and by buying the Slop Cloaths iſſued to Seamen on board His Majeſty's Ships; by means whereof they become ſubject to Impoſitions, and are induced to ſell their neceſſary Cloathing to procure Spirituous Liquors, whereby they are rendered unfit for Duty, become Diſeaſed and Die for want of proper Apparel to defend them againſt the Inclemencies of the Weather, and by Means of ſuch Practices, the Commanders of His Majeſty's Ships of War have been under a Neceſſity of detaining ſuch Seamen on board, not only to the great Prejudice of their Health*

Health by such Confinement and want of Exercise, but also to the Disadvantage of the Province, from the want of the Assistance and Labour of such Seamen. For remedy whereof, *Be it enacted by His Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby Enacted*, That if any Person shall entice any *Seaman* or *Marine* to desert, or harbour, conceal, or assist any Deserter from any *Ship of War*, knowing him to be such, the Person so offending shall forfeit the Sum of *Twenty Pounds*, on Conviction by one or more credible Witness, before any *three* Justices of the Peace, (*quorum unus*) for the Use of His Majesty's Government, to be levied by Distress, and for want of such distress the Person so offending shall be committed to His Majesty's Goal, there to remain without Bail or Mainprize for the Space of *six Months*, or till such Time as the said Fine shall be paid.

Persons enticing Seamen or Marines to desert, &c. forfeit £20. or to suffer Six Months Imprisonment. Conviction before three Justices.

II. *And be it further Enacted*, That if any Person shall buy or receive as a Pledge, or Exchange any *Slop Cloaths* from any *Seaman* or *Marine* belonging to any of His Majesty's *Ships of War*, upon Conviction thereof, or Confession, or by the Oath of one credible Witness, or if such *Cloaths* shall be found in the Possession of any Person, upon Complaint that they were bought from, or pledged or exchanged by such *Seamen* or *Marines*; in such Case the Party offending shall pay a Fine of *Five Pounds*, *Forty Shillings* of which to the Informer, and *Three Pounds* to the Use of His Majesty's Government; and the *Cloaths* shall be taken from such Person and returned to such *Seamen* or *Marine*, and he to be utterly debarred from Recovering in any Action, the Purchase or Loan Money for the same. Any Person offending may be convicted of such Offence before any one or more of His Majesty's Justices of the Peace, who are hereby impowered to levy the Penalty by Distress, and in Default of Distress to commit the Offender to His Majesty's Goal, there to remain without Bail or Mainprize for the Space of *two Months*, or till such Time as the Penalty shall be paid.

Penalty of £5. buying, &c. any Slop Cloathing.

III. *Be it further Enacted*, That it shall and may be lawful for any Person, upon seeing or knowing of any *Seaman* or *Marine* belonging to any of His Majesty's *Ships of War*, selling or exposing to Sale any of his or their *Cloathing* or *Slops*, to apprehend such *Seamen* or *Marine*, and carry him or them immediately to some Justice of the Peace of the County, who is hereby impowered to commit such *Seaman* or Marine to His Majesty's Goal, and to deliver him or them over to the Captain or other Officer of the ship to whom he or they may belong.

Any Person may apprehend Seamen or Marines selling their Cloaths.

IV. *And be it further Enacted by the Authority aforesaid*, That on Information made on Oath, before any of His Majesty's Justices of the Peace, by any of the Officers of His Majesty's *Ships of War*, That one

Any Justice may grant a Warrant to search for Deserters, where the Officer has been refused Admittance.

one or more of the *Seamen* in His Majeſty's Service have deſerted or abſconded, who there is Reaſon to believe lie concealed in ſome Dwelling or Outhouſe, where the ſaid Officer has been refuſed Admittance, that then it ſhall and may be lawful for ſuch Juſtice of the Peace, before whom ſuch Complaint is made, to iſſue his Warrant to ſome one or more Conſtables impowering him or them, in the Day Time, to ſearch for ſaid Deſerters or Abſconders, in any Dwelling or Outhouſe that ſhall be ſuſpected for Concealing ſaid Deſerters or Abſconders, accompanied by one Officer only, either *Lieutenant* or *Midſhipman*, and no other *Seamen* or *Marine* with him, and in Caſe any Maſter or Miſtreſs of any Dwelling-Houſe or Outhouſe in this Province, ſhall refuſe Entrance to ſaid Conſtable or Conſtables, ſo impowered by Warrant as aforeſaid to ſearch for ſaid Deſerters or Abſconders, they ſhall forfeit the Sum of *Twenty Pounds*, upon Conviction, to be levied by Warrant of Diſtreſs under the Hand and Seal of two of His Majeſty's Juſtices of the Peace, from off the Offenders Goods; and for Want of ſuch Diſtreſs, ſhall be committed to His Majeſty's Goal for *ſix Months*; and that it ſhall and may be lawful for any of His Majeſty's Juſtices of the Peace, who are hereby required upon Information on Oath as aforeſaid in the Night Time in his own Perſon, attended with the Conſtables, accompanied by one Officer, either *Lieutenant* or *Midſhipman*, and no other *Seaman* or *Marine* with him, to demand Entrance into any Dwelling Houſe or Outhouſe in this Province, on Suſpicion of Deſerters or Abſconders being concealed there, and the Maſter or Miſtreſs refuſing Entrance to ſuch Juſtice of the Peace ſo demanding Entrance in the Night Time, ſhall forfeit the Sum of *Twenty Pounds*, to be levied as aforeſaid upon Conviction; and for Want of ſuch Diſtreſs, to be committed to His Majeſty's Goal for *ſix Months*; the aforeſaid Sums to be for the Uſes of this Government: And that the Perſon or Perſons ſo apprehended ſuppoſed to be Deſerters or Abſconders from His Majeſty's Service, ſhall be committed to His Majeſty's Goal, until Proof is made before one or more of His Majeſty's Juſtices of the Peace, of his or their Deſertion or Abſconding, and then to be delivered up to ſuch Officer or Officers of His Majeſty's Navy, who ſhall make Demand of ſaid Deſerter or Deſerters. And in Caſe ſaid Perſon or Perſons ſo committed are not Deſerters, Abſconders, or ſhall not be in His Majeſty's Service, then ſuch Perſon or Perſons to be diſcharged without Coſt.

Conſtable to ſearch in Company of one Officer only.

Perſons refuſing Admittance forfeit £20.

Any Juſtice may in the Night demand Admittance, and on Refuſal, the Maſter of the Houſe to forfeit £20. or ſuffer ſix Months Impriſonment.

Deſerters to be committed till delivered to their Officers.

V. 34. *Geo.* 2. Chap. 1. That the aforeſaid Act ſhall be, and the ſame is hereby made perpetual.

Act made perpetual.

CAP. X.

CAP. X.

An ACT relating to *Treaſons* and *Felonies*.

BE *it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That if any Perſon or Perſons ſhall compaſs or imagine the Death of the *King*, or ſhall levy War againſt Him or adhere to his Enemies, or give them Aid or Comfort, or ſhall forge or counterfeit the King's Money, being Gold or Silver Coin of *England* or of *Great-Britain*, or ſhall counterfeit the King's *Great Seal* or *Privy Seal*, or the *Seal* of this Province, and ſhall thereof be duly convicted, the Perſon or Perſons ſo offending are hereby declared, and ſhall be adjudged to be *Traitors*, and ſhall ſuffer as in Caſes of *High Treaſon*; and that all Treaſons declared by the Acts of Parliament of *England* or of *Great Britain*, ſhall be deemed and adjudged to be *Treaſons* within this His Majeſty's Province, and none other, and that ſuch Acts of Parliament as directed the Proceedings and Evidence againſt, and Trials of ſuch *Traitors*, ſhall have their full Force and Effect, and be obſerved as the Rule in all Trials for *Treaſon* in this Province.

Treaſon. *Eng. St. at.* 25. *Ed.* 3. *Stat.* 5. *c.* 2. *& Eng. Stat* 1. *Mar. c.* 1. *Aſſembling to alter Laws, &c. Treaſon, Kel.* 75 77.

Brit. Stat. 7. *Ann. c.* 21 *Eng. Stat.* 7. *Will.* 3. *c.* 3. *Witneſſes in Treaſon, Kel.* 49.

II. *And be it further Enacted*, That if any Perſon with Malice Prepenſe ſhall kill, or procure any other Perſons to kill, or ſhall on Purpoſe and of Malice forethought, and by lying in wait, unlawfully cut out or diſable the Tongue, put out an Eye, ſlit the Noſe, cut off a Noſe or Lip, or cut off or diſable any Limb or Member of any Perſon, with Intention to kill or to maim or diſfigure any ſuch Perſon, the Perſons ſo offending, their Counſellors, Aiders and Abettors, privy to the Offence, ſhall be *Felons* without Benefit of Clergy. *Provided* that no Attainder of ſuch *Felony*, ſhall work Corruption of Blood, or Forfeiture of Dower, Lands or Goods of the Offender.

Murder & Maiham, Felony without Clergy.

Eng. Stat. 1. *Ed.* 6. *c.* 12. *Sect.* 10.

Eng. Stat. 5. *Hen.* 4. *c.* 5. *& Eng. Stat.* 22. *& 23. Car.* 2. *c.* 1.

"That the ſaid Proviſo is meant and intended, and ſhall be conſtrued, "deemed and taken to extend only to the felony of Maiming as above "declared and expreſſed."

8. *Geo.* 3. *Chap.* 3. *Sect.* 4.

III. *And be it further Enacted*, That every Perſon, who ſhall ſtab or thruſt any Perſon that hath not then any Weapon drawn, or that hath not then firſt ſtricken the Party who ſhall ſo ſtab or thruſt, ſo as the Perſons, ſo ſtabbed or thruſt, ſhall thereof die within the Space of *ſix Months*, altho' it cannot be proved that the ſame was done of Malice forethought, yet the Party ſo offending and being thereof convicted, ſhall be excluded from the benefit of Clergy.

Stabbing. Felony without Clergy. *Eng. Stat.* 1 *Ja.* 1. *c.* 8.

Manſlaughter by Misfortune &c.

IV. *Provided*, That this Act ſhall not extend to any Perſons, who ſhall kill any Perſon in his own Defence or by Misfortune, or in any other Manner than as aforeſaid, nor ſhall extend to any Perſons who in keeping the Peace, ſhall chance to commit *Manſlaughter*, ſo as the ſaid *Manſlaughter* be not committed wittingly and of Purpoſe, under pretext and colour of keeping the Peace; nor ſhall extend to any Perſon who, in chaſtiſing or correcting his Child or Servant, ſhall beſides his Purpoſe, chance to committ *Manſlaughter*.

Murder of Baſtard Children.
Felony without Clergy.
Eng. Stat. 21. *Ja.* 1. *c.* 27. *continued by Eng. Stat. Car.* 1. *c.* 4. *till continued or diſcontinued by Parliament.*

V. *And be it further Enacted*, That if any Woman be delivered of any Iſſue of her Body, Male or Female, which being born alive, ſhould by the Laws of the Realm of *England* be a Baſtard, and that ſhe endeavour privately, either by Drowning or ſecret Burying thereof, or any other Way, either by herſelf, or the procuring of others, ſo to conceal the Death thereof, as that it may not come to light whether it were born alive or not, but be concealed, the Mother ſo offending ſhall ſuffer Death as in Caſe of *Murder*, except ſuch Mother can make Proof by one Witneſs, that the Child whoſe Death was by her ſo intended to be concealed, was born dead.

Buggery, Felony without Clergy.
Eng. Stat. 25 *Hen.* 8 *c.* 6. *reviſed & made perpetual by Eng. Stat.* 5. *Eliz. c.* 17.

VI. *And be it further Enacted*, That the deteſtable Sin of *Buggery* committed with Mankind or Beaſt, ſhall be adjudged *Felony*, and ſuch Proceſs therein be uſed as in Caſes of *Felony* at *Common* Law, and the Offender or Offenders being convicted by Verdict, Confeſſion or Outlawry, ſhall ſuffer the Pains of Death, and Loſs of their Goods, Lands and Tenements, as *Felons*, and no Perſon guilty of ſuch Offence ſhall be admitted to his Clergy: And Juſtices of the Peace ſhall have Power to inquire of the ſaid Offence as in other *Felonies*. And if any Perſon or Perſons, ſhall make an Aſſault, with an Intent to commit the Sin of *Buggery*, ſuch Offender or offenders, ſhall, on due Conviction thereof, be adjudged to ſtand in the Pillory, and may, for further Puniſhment, be fined, impriſoned, or be bound in Sureties for his or their good Behaviour, at the Diſcretion of the Court.

Aſſault with Intent to commit Buggery, Pillory, &c.

Rape.
Felony without Clergy.
Eng. Stat. Weſt. 2. 13. *Ed.* 1. *c.* 34.
Complaint in ten Days.
By Eng. Stat. Weſt. 1. 3. *Ed. c.* 13. *Appeals of Rape were limited to* 40 *Days. Vide* 1. *Hale's Hiſt. P. C.* 632. 633.

VII. *And be it further Enacted*, That if any Perſon or Perſons ſhall, by Force, and againſt the Conſent of any Woman, or Infant above the Age of *Twelve Years*, have Carnal Knowledge of her Body, every ſuch Offender or Offenders ſhall, on due Conviction of ſuch Raviſhment, ſuffer as a *Felon* without Benefit of Clergy. *Provided always*, that if Complaint ſhall not be made of a Raviſhment within *ten Days* afterwards, before one of His Majeſty's Juſtices of the Peace or other Magiſtrate, that then ſuch Fact ſhall be adjudged

to

to have been committed by and with the Conſent of ſuch Woman or Infant.

Rape on Infants; Felony without Clergy. *Eng. Stat.* 18 *Eliz. c.* 7. *Sect.* 4.

VIII. *And be it further Enacted*, That if any Perſon ſhall unlawfully have Carnal Knowledge of any Female Child under the Age of *Twelve Years*, tho' with her Conſent, every ſuch unlawful and Carnal Knowledge ſhall be *Felony*, and the Offender being thereof duly convicted, ſhall ſuffer as a *Felon*, without Benefit of Clergy. And every violent Aſſault and Battery committed on the Body of ſuch Woman or Infant, with Intent to raviſh, ſhall be puniſhed by adjudging the Offender or Offenders, upon due Conviction thereof, to ſtand in the Pillory, and the Judge or Judges of the Court, wherein he ſhall be ſo convicted, may for further Puniſhment, Fine and Impriſon, and require Sureties for the good Behaviour, at his or their Diſcretion.

Aſſault with Intent to raviſh Pillory, &c.

Burglary. *Eng. Stat.* 23 *Hen.* 8. *c.* 1. 5. *Ed.* 6. *c.* 9. 18 *Eliz. c.* 7. *Sect.* 1.

IX. *And be it further Enacted*, That if any Perſon or Perſons ſhall by Night break open and enter any Dwelling Houſe, Shop or Warehouſe, or any Veſſel lying ſo near the Land that it be adjudged within the County, with an Intent to commit any *Felony*, whether ſuch felonious Intent be executed or not.

Robbery by Day. *Eng. Stat.* 3 *Will. & Ma. c.* 9. *Sect.* 1.

X. Or ſhall rob any Dwelling Houſe in the Day Time, any Perſon being therein, or break any Dwelling Houſe, Shop or Warehouſe thereunto belonging, or therewith uſed, in the Day Time, and feloniouſly take away any Money or Goods of the Value of *Five Shillings* therein being, altho' no Perſon ſhall be within ſuch Dwelling Houſe, Shop, or Warehouſe, or ſhall rob any other, or feloniouſly take away any Goods in any Dwelling Houſe, the Owner or any other Perſon, being therein and put in Fear.

Robbery from the Perſon in Highways, &c. by Night or by Day. *Eng. Stat.* 3 *Will. & Ma. c.* 9. *Sect.* 1.

XI. Or if any Perſon or Perſons ſhall by Night or by Day, rob or by Violence take Money, or Goods, from any Perſon putting him in Fear, in any Highways, or in any Streets or Lanes of a Town.

Stealing privily. *Eng. Stat.* 8. *Eliz. c.* 4.

XII. Or ſhall Feloniouſly take Money or Goods from the Perſon of any other, privily without his Knowledge.

1 Hawk. P. C. c. 35. Aiders & Abettors. Felony without Clergy.

XIII. Each and every of the Offenders aforeſaid, their Aiders and Abettors, ſhall, upon due Conviction, ſuffer as *Felons*, without Benefit of Clergy.

Stealing Bills of Exchange, &c. *Eng. Stat.* 2. 3. 2. *Ge. c.* 25.

XIV. *And be it further Enacted*, That if any Perſon or Perſons ſhall ſteal, or take by Robbery, any Bills of Exchange, Bonds, Warrants, Bills, or Promiſſory Notes for the Payment of Money, being the Property of any other Perſon, notwithſtanding any of the

the ſaid Particulars are termed in Law a *choſe in Action*, it ſhall be deemed *Felony* of the ſame Nature, and with or without the Benefit of the Clergy or of this Act, in the ſame Manner as it would have been if the Offender had ſtolen or taken by Robbery, any other Goods of the like Value with the Money due on ſuch Bills of Exchange, Bonds, Warrants, Bills, or Notes, or ſecured thereby, and remaining unſatisfied, and ſhall ſuffer ſuch Puniſhment as if he, ſhe or they, had ſtolen other Goods of the like Value.

Not to work Corruption of Blood &c.

XV. *Provided*, That no Attainder for any ſuch ſuch Offence, ſo made *Felony*, ſhall work any Corruption of Blood, Loſs of Dower, or Diſheriſon of Heirs.

Receivers of Stolen Goods, Acceſſaries. *Eng. Stat.* 3 *Will & Ma. c.* 9. *Sect.* 4.

XVI. *And be it further Enacted*, That if any Perſon or Perſons ſhall buy or receive any Goods that ſhall be ſtolen, knowing the ſame to be ſtolen, he, ſhe, or they, ſhall be deemed Acceſſaries to the *Felony* after the Fact, and that it ſhall be lawful to proſecute and puniſh Perſons buying or receiving ſtolen Goods, knowing the ſame to be ſtolen, or that ſhall be Acceſſary to ſuch *Felony* before or after the Fact, as for a *Miſdemeanor*, to be puniſhed by Fine and Impriſonment, altho' the principal *Felon* be not before convicted of the ſaid *Felony*, which ſhall exempt the Offender from being puniſhed as Acceſſary, if the Principal ſhall be after convicted.

Puniſhable as for Miſdemeanor, though Principal be not convicted. *Eng. Stat.* 1. *An. Stat.* 2. *c.* 9. *Sect.* 2.

Robbing Lodgings. *Eng. Stat.* 3. *Will. & Ma. c.* 9. *Sect.* 5.

XVII *And be it further Enacted*, That if any Perſon or Perſons ſhall take away with an Intent to ſteal, imbezil, or purloin, any Goods, Chattles, or Furniture, which by Agreement they are to uſe, or ſhall be let to them to uſe in his, her, or their Lodging, ſuch taking, imbezling, or Purloining, ſhall be adjudged to be *Larceny* and *Felony*.

Servants imbezillingMaſter'sGoods. *Eng. Stat.* 21 *Hen.* 8. *c.* 7.

XVIII. *And be it further Enacted*, That if any Servant or Servants ſhall go away with the Caſkets, Jewels, Money, Goods or Chattels, delivered to his, her or their Keeping, by his, her or their Maſter or Miſtreſs, with Intent to ſteal the ſame, and defraud his, her or their Maſter or Miſtreſs thereof, contrary to the Truſt and Confidence in them repoſed, or being in Service, without Aſſent or Commandment of his, her or their Maſter or Miſtreſs, ſhall imbezil or convert the ſame to his, or her Uſe, with Purpoſe to ſteal the ſame, being of the Value of *Forty Shillings* or above, every ſuch Offender or Offendres ſhall, upon due Conviction, ſuffer Death as in Caſes of *Felony*, without Benefit of Clergy.

Not to extend to Apprentices, *Eng. Stat.* 12 *An. Stat.* 1. *c.* 7. *Sect.* 2.

XIX. *Provided*, That any Apprentice or Apprentices, within the Age of *Fifteen Years*, ſhall be intitled to the Benefit of Clergy, for the firſt Offence.

Building,

Houseburning. *Eng. Stat.* 25 *Hen.* 8. *c.* 3.

XX. *And be it further Enacted*, That if any Person or Persons shall willfully and maliciously burn, or cause to be burned, any Dwelling House, Barn, Outhouse, or Warehouse, of another, or any Publick Building, or any Hovel, Cock, Mow, Rick, or Stack of Corn, Straw, Hay, or Wood, of another, all and every such Person or Persons so offending, and their Aiders, Abettors, and Counsellors, shall, upon due Conviction, suffer as *Felons*, and be excluded from the Benefit of Clergy.

Anonymous Letters, &c. *Brit. Stat.* 9. *Geo.* 1. *c.* 22. *Sect.* 1

XXI. *And be it further Enacted*, That whosoever shall maliciously shoot at any Person or Persons in any Dwelling House or other Place, or shall knowingly send any Letter without any Name, or signed with a fictitious Name, demanding from any Person or Persons, Money or other valuable Thing, such Offender or Offenders being duly convicted thereof, shall suffer as *Felons* without Benefit of Clergy.

Stealing in any other Manner. *Brit. Stat.* 4. *Geo.* 1. *c.* 11. *Sect.* 1. or imbezilling the King's Stores,

XXII. *And be it further Enacted*, That whosoever shall feloniously take and carry away any Money or Goods, in any other manner than is herein before declared and provided for, or shall imbezil any of his Majesty's Stores, or the Utensils, Furniture or Cloathing, in any Storehouse or Hospital of His Majesty if such Offender or Offenders shall be found guilty of such *felonious* taking or carrying away of such Money, or Goods, or of imbezling any of His Majesty's Stores, or the Utensils, Furniture, or Cloathing in any Storehouse or Hospital of His Majesty, as aforesaid, to the Value of *Twenty Shillings* or more; Every such Offence shall be *Larceny* and *Felony*; and if the Value shall be found by Verdict on Trial to be less than *Twenty Shillings*, then such Offence shall be punishable as *Petit Larceny*, by such publick Whipping as the Court, before whom such Offender shall be convicted, shall direct, and it shall and may be lawfull for such Court to order the Offender to make full Restitution, and in Default thereof to commit such Offender to the House of Correction, there to be put to hard Labour, for a Term not exceeding *Three Months*, as the Judges, in their Discretion, shall think fit.

Larceny & Felony.

In Convictions of petit larceny Court impowered to punish Offenders by whipping or imprisonment.

XXIII. 15. *Geo.* 3. *Ch.* 7. *Be it Enacted, by the Governor, Council and Assembly*, That it shall and may be lawful for the Court before whom any Offender shall be so convicted as of *Petit Larceny*, to punish such Offender by Whipping or Imprisonment or Commitment of such Offender to the House of Correction, there to be put to hard labour, the said Imprisonment or Commitment to the House of Correction not to exceed Three Months, and within that Space for such Time as the Judges in their Discretion shall think fit.

XXIV. *And be it further Enacted*, That all Monies, Goods, Chat-

Reſtitution of Stolen Goods. *Eng Stat.* 21. *Hen.* 8. *c.* 11. 2. *Hawk. P. C. c.* 23. *Sect.* 49—58.

tels, Merchandizes, or Stores, found in Poſſeſſion of any *Burglar*, *Houſebreaker*, *Robber*, *Thief*, or *Purloiner*, ſhall be delivered by the Juſtice of Peace who ſhall take the Examination of ſuch Offender, into the Cuſtody of the Provoſt Marſhal or his Deputy, or Conſtable of the Town where the Offence ſhall be committed, who ſhall be anſwerable for the ſame until the Offender be convicted; and the Judge or Judges of the Court, wherein ſuch Offender ſhall be convicted, ſhall order the ſaid Money, Goods or Stores, to be reſtored to the lawful Owners thereof; and where no Owner ſhall appear to claim the ſame, they ſhall be adjudged to be forfeited.

Where no Owner appears, Goods to be forfeited.

To be given by Jury to Proſecutor, tho' Evidence not ſufficient to convict Offender.

XXV. And in Caſes where the Evidence ſhall not be ſufficient to convict of a *felonious* intent, and the Jury ſhall declare that the Property of ſuch Money, Goods, or Stores, is in the Proſecutor, it ſhall and may be lawful for the Court to order ſuch Money, Goods, or Stores, to be delivered to ſuch Proſecutor.

Not to debar the Party of his Action

XXVI. *Provided nevertheleſs*, That ſuch Delivery ſhall not debar the Party ſo acquitted, or any other Perſon who may claim the ſame, from his or her Action for the Detainer of ſuch Money, Goods or Stores, ſo delivered to the Proſecutor.

Acceſſaries. *Eng. Stat.* 1. *An. Stat.* 2. *c.* 9. *Sect.* 1

XXVII. *And be it further Enacted*, That notwithſtanding the Allowance of Clergy, and burning in the Hand of any *Principal* Offender, the *Acceſſaries* to ſuch Offender ſhall be arraigned and tried in the ſame manner, as if ſuch Clergy had not been allowed.

Clergy allowed but once. Offenders to be burnt in the Hand, *Eng. Stat.* 4. *Hen.* 7. *c.* 13.

XXVIII. *And be it further Enacted*, That every Perſon which once hath been admitted to the Benefit of his Clergy, being afterwards arraigned, ſhall not be admitted to the Benefit of his Clergy; and that every Perſon convicted for *Manſlaughter*, ſhall be marked with an *M*, upon the Brawn of the left Thumb, and for any other *Felony*, the Perſon convicted ſhall be marked with a *T*, in the ſame Place: Theſe Marks ſhall be made by the Goaler in open Court. And if any Perſon convicted of any *Felony*, for which he ought to have the Benefit of his Clergy, ſhall pray to have the Benefit of this Act, he ſhall not be required to read, but without any reading ſhall be allowed to be, and puniſhed as a Clerk Convict, which ſhall be as effectual and as advantageous to him as if he had read as a Clerk.

Eng. Stat. 5. *Ann. c.* 6. *Sect.* 4.

And diſcharged out of Priſon.

XXIX. And after Allowance of ſuch Clergy and Burning in the Hand, ſuch Perſon ſhall be enlarged and delivered out of Priſon, by the *Judge* or *Judges* of the Court before whom ſuch Clergy ſhall be granted: *Saving* that ſuch *Judge* or *Judges* may, for the further Correction of ſuch Perſons to whom Clergy ſhall be allowed, keep them in Priſon, or ſend them to the Houſe of Correction,

Eng. Stat. 18 *Eliz. c.* 7. *Sect.* 2. 3.

for

for ſuch convenient Time as the ſaid *Judge* or *Judges* in their Diſcretions, ſhall think fit, ſo as the ſame do not exceed *One Year's* Impriſonment, or to puniſh them by publick Whipping.

Women to be puniſhed in the ſame Manner as a Man. *Eng. Stat.* 3. & 4. *Will. and Ma. c.* 9. *Sect.* 6, 7.

XXX. And that where a Man, convicted of any *Felony*, may demand the Benefit of his Clergy, a Woman convicted for the like Offence, upon her Prayer to have the Benefit of this Act, Judgment of Death ſhall not be given againſt her upon ſuch Conviction, or Execution awarded upon any Outlawry for ſuch Offence, but ſuch Woman ſhall ſuffer the ſame Puniſhment as a Man that has the Benefit of his Clergy allowed him in the like Caſe, *(that is to ſay)* ſhall be burned in the Hand by the Goaler in open Court, and may for further puniſhment, be kept in Priſon, or ſent to the Houſe of Correction, for ſuch Time as the *Judges* ſhall think fit, ſo as the ſame do not exceed one Year, or be ordered to be publickly whipped, as the *Judge* or *Judges*, before whom ſuch Woman is convicted, ſhall, from the Quality of the Offence, think meet.

Clerk to certify a Tranſcript, &c. of Allowance of Clergy

XXXI. And the *Clerk* of the *Court* or *Aſſizes* where ſuch Man or Woman ſhall be convicted, ſhall, at the Requeſt of any in His Majeſty's Behalf, certify a *Tranſcript* containing the Tenor of every *Indictment* and *Conviction* of ſuch Man or Woman, of his having the Benefit of the Clergy, or her having the Benefit of this Act, and the Addition of every ſuch Perſon, and the Certainty of the *Felony* and *Conviction*, to the *Judge* or *Judges* of the *Court* or *Aſſizes* where ſuch Man or Woman ſhall be indicted; which Certificate, being produced in *Court*, ſhall be a ſufficient Proof that ſuch Man hath before had the Benefit of his Clergy, and that ſuch Woman hath had the Benefit of this Act, in the ſame Manner as if the Record had been produced.

34. *Geo.* 2. *Ch.* 9.

XXXII. " And if Perſon or Perſons indicted of any Offence for " which, by Virtue of this Act they are excluded from the Benefit " of Clergy, or where the Benefit of Clergy ſhall be allowed, ſhall " ſtand mute, or will not anſwer directly to the *Felony*, Judgment ſhall " be pronounced, and Execution awarded, as if ſuch Perſon or Perſons " had been convicted of ſuch Offence by Verdict or Confeſſion; and " if any Priſoner indicted of ſaid Offences ſhall challenge peremptorily " above Twenty of the *Jury*, ſuch Challenge ſhall be overuled, and " the Jurors ſhall be Sworn for the Trial of ſuch Priſoner, as if no " ſuch Challenge had been peremptorily made.

The Benefit of this Act not to be allowed more than once.

XXXIII. *Provided nevertheleſs*, That no Man who hath had the Benefit of the Clergy allowed him, nor any Woman who hath had the Benefit of this Act, ſhall have the Benefit of Clergy or of this Act,

Eng. Stat. 4 & 5. Will. & M. c. 24. Sect. 13.

Act, for any *Felony* committed ſince his or her having had the Benefit of Clergy or of this Act as aforeſaid, and that no Perſon ſhall be allowed the Benefit of Clergy or of this Act, more than once, but ſhall, for any *Felony* by him or her committed after being allowed the Benefit thereof, be utterly debarred from having the Benefit of the ſame again.

Perſons allowed Clergy ſhall anſwer to other Felonies excluded Clergy. *Eng. Stat.* 18. *Eliz. c.* 7. *Sect.* 5.

XXXIV. *Provided* alſo, That if any Man admitted to his Clergy, or any Woman admitted to the Benefit of this Act, ſhall, before ſuch his or her Admiſſion, have committed any Offence, whereupon Clergy is not allowable by this Act, and not being thereof indicted and acquitted, convicted, or attainted, or pardoned, ſhall and may be indicted or appealed for the ſame, and put to anſwer as if no ſuch Admiſſion to the Benefit of Clergy or of this Act had been.

Witneſſes for Priſoners ſhall be ſworn, and puniſhable for Perjury. *Eng. Stat. Ann.* 1 *Stat.* 2. *c.* 9. *Sect.* 3.

XXXV. *And be it further Enacted*, That every Perſon who ſhall be produced or appear as a Witneſs on the Behalf of the Priſoner upon any Trial for *Murder* or *Felony*, before he or ſhe be admitted to give Evidence, ſhall firſt take an Oath to depoſe the Truth, in ſuch Manner as the Witneſſes for the King are, by Law, obliged to do; and if any Witneſs be convicted of willful Perjury in ſuch Evidence, he ſhall ſuffer all the Penalties, Forfeitures and Diſabilities, which, by Law, may be inflicted on Perſons convicted of willfull Perjury.

Indictments, &c. to be according to the Practice of England

XXXVI. *And be it further Enacted*, That all Indictments, Proceſs, Pleadings, and Trials, and the Rules of Evidence upon any Trials for any *Felonies* or *Miſdemeanors*, either by the Common Law of *England*, or by Virtue of this Act, ſhall be according to the Uſuage, Practice and Laws of *England*.

Former Convictions confirmed.

XXXVII. And that all Convictions, Attainders, Judgments, and Executions, for any *Felonies* or *Miſdemeanors*, before the making of this Act, ſhall be good and valid in Law, and the ſame are hereby ratified and confirmed.

Saving for Judgments depending.

XXXVIII. *Saving* to all and every Perſon and Perſons, all ſuch Advantages in Law, upon any Judgment that may be depending in any Court of Record, at the Time of making this Act, in the ſame Manner as if this Act had not been made.

The Trial of a Murderer that ſtrikes or poiſons a Man in one County which dieth thereof in another County.

XXXIX. 8. *Geo.* 3. *Ch.* 3. *Be it Enacted by the Lieutenant Governor, Council, and Aſſembly*, That where any Perſon or Perſons ſhall be felonioufly ſtricken or poiſoned in one County, and die of the ſame ſtroke or poiſoning in another County, that then an Indictment thereof found by Jurors of the County where the Death ſhall happen, whether it ſhall be found before the Coroner upon the

the Sight of ſuch dead Body, or before the Juſtices of the Peace, or other Juſtices or Commiſſioners which ſhall have Authority to enquire of ſuch Offences, ſhall be as good and effectual in the Law as if the ſtroke or poiſoning had been committed and done in the ſame County where the Party ſhall die, or where ſuch Indictment ſhall be ſo found; any Law or Uſuage to the contrary notwithſtanding: And that the Juſtices of *Oyer* and *Terminer* and *Goal Delivery*, in the ſame County where ſuch Indictment at any Time hereafter ſhall be taken, ſhall and may proceed upon the ſame in all Points, as they ſhould or ought to do, in Caſe ſuch felonious Stroke and Death thereby enſuing, or poiſoning and Death thereof enſuing, had grown all in one and the ſame County. And that ſuch Party to whom Appeal of Murder ſhall be given by the Law may commence, take, and ſue Appeal of Murder in the ſame County where the Party ſo feloniouſly ſtricken or poiſoned ſhall die, as well againſt the Principal and Principals, as againſt every Acceſſary to the ſame Offences, in whatſoever County or Place the Acceſſary or Acceſſaries ſhall be guilty of the ſame. And further, the Juſtices before whom any ſuch Appeal ſhall be commenced, ſued, and taken, within the Year and Day after ſuch Murder and Manſlaughter committed and done, ſhall proceed againſt all and every ſuch Acceſſary and Acceſſaries, in the ſame County where ſuch Appeal ſhall be ſo taken, as well concerning the Trial by the Jurors, or Twelve Men of ſuch County where ſuch Appeal or Appeals ſhall be hereafter taken upon the Plea of Not Guilty pleaded by ſuch Offender or Offenders, as otherwiſe.

Where an Appeal of Murder in the Caſe aforeſaid ſhall be purſued.

Appeal againſt the Acceſſary.

XL. Sect. 2. *And be it further Enacted*, That where any Murder or Felony hereafter ſhall be committed and done in one County, and another Perſon or more ſhall be Acceſſary or Acceſſaries in any Manner of wiſe to any ſuch Murder or Felony in any other County, that then an Indictment found or taken againſt ſuch Acceſſary and Acceſſaries upon the Circumſtance of ſuch Matter before Juſtices of *Oyer* and *Terminer*, and *Goal Delivery*, appointed to enquire of Felonies in the County where ſuch Offences of Acceſſary or Acceſſaries in any Manner of wiſe ſhall be committed or done, ſhall be as good and effectual in the Law, as if the ſaid principal Offence had been committed or done within the ſame County where the ſame Indictment againſt ſuch Acceſſary ſhall be found. And that every ſuch Acceſſary and other Offenders above expreſſed, ſhall anſwer upon their Arraignments, and receive ſuch Trial, Judgment, Order, and Execution, and ſuffer ſuch Forfeitures, Pains and Penalties, as is uſed in other Caſes of Felony; any Law, or Cuſtom to the contrary heretofore uſed in any wiſe notwithſtanding.

Trial of an Acceſſary in one County to a Murder or Felony done in another County.

XLI. Sect. 3. *Be it Enacted*, That if any Woman with Malice prepenſe, ſhall kill or procure any other Perſon or Perſons to kill her Huſband; or if any Servant with Malice prepenſe, ſhall kill or procure any other Perſon or Perſons to kill his or her Maſter or Miſtreſs; the Perſons ſo offending, their Counſellors, Aiders, and Abettors, privy to the Offence, ſhall upon due Conviction, be adjudged guilty of Petit Treaſon, and ſuffer Death without Benefit of Clergy accordingly.

Eng. Stat. 25. *Ed.* 3. *Stat.* 5. *c.* 2.

Petit Treaſon.

XLII. Sect. 4. *And be it further Enacted*, That the Juſtices of the Peace, before whom any Perſon ſhall be brought for any Murder, Manſlaughter, or Felony, or for Suſpicion thereof, ſhall take the Examination of ſuch Priſoner, and Information of thoſe that bring him, of the Fact and Circumſtance thereof; and the ſame, or as much thereof as ſhall be material to prove the Fact, ſhall be put in Writing; and the ſame ſhall certify, together with the Bailment of ſuch Priſoner, (in caſe the Crime whereof ſuch Priſoner is charged, is bailable) at the next *Seſſions* of *Oyer* and *Terminer* or *Goal Delivery*, to be holden within the Limits of their Commiſſion: And that the ſaid Juſtices ſhall bind all ſuch by Recognizance or Obligation, as do declare any Thing material to prove ſuch Murder, Manſlaughter, or Felony againſt ſuch Priſoner, to appear at the next Seſſions of *Oyer* and *Terminer* or *Goal Delivery*, to be holden within the County where the Trial of ſuch Murder, Manſlaughter, or Felony, ſhall be, then and there to give Evidence againſt ſuch Priſoner; and that the ſaid Juſtices ſhall certify the ſaid Bonds or Recognizances taken before them, in like Manner as the Examinations of ſuch Priſoner, and the Witneſſes, are herein before directed to be certified.

Eng. Stat. 1. & 2. *Phil. & Mar. c.* 13. 2. & 3. *Phil. & Mar. c.* 10.

The Juſtices Duty in the Examination and Bailement of a Priſoner, and in the Examination of Witneſſes, and certifying thereof.

XLIII. 11. *Geo.* 3. Chap. 3. *Be it Enacted by the Governor, Council, and Aſſembly*, That any Perſon or Perſons who ſhall before the Judges of the Supreme Court, or other Judges, or other Perſons impowered by Law to take Bail, or Bails, repreſent or perſonate any other Perſon or Perſons, whereby the Perſon or Perſons, ſo repreſented, or perſonated, may be liable to the Payment of any Sum or Sums of Money, for Debt or Damages, to be recovered in the ſame Suit or Action wherein ſuch Perſon or Perſons are repreſented or perſonated, as if they had really acknowledged and entered into the ſame, being lawfully convicted thereof, ſhall be adjudged, eſteemed, and taken to be Felons, and ſuffer the Pains of Death, and incur ſuch Forfeitures and Penalties as Felons in other Caſes convicted and attainted do, by the Laws of England, looſe and Forfeit.

Felony or any Perſon to be Bail in another Man's Name.

CAP. XI.

CAP. XI.

An ACT for preventing *Treſpaſſes*.

32. *Geo.* 2. *Ch.* 14.

BE it *Enacted by the Governor, Council and Aſſembly, and by the Authority of the ſame, it is hereby Enacted*, That all Fences belonging to any incloſed Lands, ſhall be built and made with Stone, Pickets, Boards, or Poſts and Rails, or Log Fence, unleſs the Lands are bounded by Ponds, unfordable Rivers, or the Sea. And ſuch Fences ſhall be at leaſt four Feet and an half high; except in the Townſhip of *Halifax*, where four feet ſhall be deemed a lawful Fence, and if any Damage be done by breaking any Incloſures, and deſtroying any of the Produce thereof, by any Horſes, Sheep Goats, Swine or neat Cattle, if ſuch Incloſures ſhall at the Time of ſuch Damage be incloſed by a good and ſufficient Fence, agreeable to Law; the Owners of ſuch Treſpaſſing Cattle ſhall pay to the Party injured the Value of all ſuch Damages, to be aſſertained on an appraiſement thereof by three credible Perſons, living in the Neighbourhood, being firſt ſworn before one of His Majeſty's Juſtices of the Peace, where ſuch Lands lie, truly to value the ſame; and the Perſon or Perſons againſt whom the ſaid Treſpaſs ſhall be committed, ſhall and may impound the ſaid Horſes, Sheep, Goats, Swine or Neat Cattle, and the Keeper of the Pound ſhall cauſe the ſame to be cried as ſoon as may be, and if the Owner or Owners of ſuch Horſes, Sheep, Swine, Goats or Neat Cattle ſhall neglect or refuſe to the Keeper of the Pound, the damages aforeſaid, for the Uſe of the Perſon ſuffering by ſuch Treſpaſs, together with *1s. per* Day for the Keeping of each Horſe, or Neat Cattle, and *6d* per Day for each Sheep, Swine or Goat, together with the Charges of Crying the ſame within Fourteen Days after the ſame ſhall be impounded, the ſaid Horſes, Neat Cattle, Sheep, Goats or Swine, ſhall be publickly Sold, and the Money ariſing from ſaid Sale, after deducting therefrom the Damages aforeſaid with the Charge of Keeping and Crying ſhall be paid to the Owner, and if no Owner ſhall appear, then to the Overſeers of the Poor for the Uſe of the Poor of ſuch Townſhip.

Fences to be made of Stone, &c.

Damages of treſpaſing Cattle, how to be paid.

II. *And whereas the Owners and Proprietors of Fields and Lands, lying and being, adjoining to other incloſed Lands do neglect to Fence in their Proportionable Part of ſuch Lands. Be it Enacted, by the Authority aforeſaid.* That the Proprietor of any Field or Lands adjoining to others incloſed or improved, ſhall build up or maintain his Part or Porportion of Fencing, with a Good and ſufficient Fence of four Feet and a Half high, on that Part of ſuch Land as is adjoining to his own, and in caſe he neglects ſo to do within ten Days after Notice given him, it ſhall and may be lawful, and any one of the Fence Viewers upon Application being made to him, is hereby impower'd forwith

Proprietors of Lands to fence their Proportion.

On Neglect the Fence Viewer to erect repair the ſame

forwith to cauſe ſuch deficient Fence to be raiſed or made, or otherways to repair any Fence already made if the ſame is inſufficient, and the Perſon or Perſons that of right ought to build and maintain the ſame, ſhall pay double the Coſts and Charges expended for the doing thereof. *Provided always*, that no Fence Viewer ſhall be allowed more than three Shillings per Day for his own Trouble and Time expended herein, and if any Fence Viewer when notified ſhall neglect his Duty herein, he ſhall forfeit *Forty Shillings* for every Offence.

Surveyors of Highways to have the charge of ſtreets, &c.

III. *And be it further Enacted*, That the Surveyors of Highways ſhall have the Care and Superviſal of all the Streets, Lanes and Highways of the Town and Suburbs of *Halifax*, and are hereby impowered to prevent the ſame from being obſtructed or incumbered, and to cauſe the ſame to be mended at the charge of the Proprietors of Land, bordering thereon, and they are hereby required to preſent all Nuiſances in the ſaid Streets, Lanes and Highways at the *General Quarter Seſſions* of the *Peace*, to be proceeded againſt, according to the Laws of England in ſuch Caſes made and provided.

Penalty on Perſons, reſcuing.

IV. 33. *Geo.* 2. *Ch.* 14. Sect. 3. *Be it Enacted*, That if any Perſon or Perſons ſhall reſcue any Swine, Horſes, Sheep, Goats or Neat Cattle from any Hoggreave, or other Perſon driving ſuch Swine, Horſes, Sheep, Goats or Neat Cattle to the Pound, the Offender ſhall forfeit and pay for ſuch Reſcue the Sum of *Twenty Shillings*, over and above all Damages, that may be ſuſtained by the Treſpaſs, which Penalty ſhall be recovered by the Oath of one credible Witneſs, before any one of His Majeſty's Juſtices of the Peace, and to be levied by Warrant of Diſtreſs and Sale. And if any Perſon or Perſons ſhall make any Breach of the ſaid Pound, or ſhall by any other indirect Means, deliver any Swine, Horſes, Sheep, Goats or Neat Cattle out of the ſame, the Perſon ſo offending, ſhall upon Conviction before any two Juſtices, forfeit and pay the Sum of *Five Pounds*, to be levied as aforeſaid; the Penalties aforeſaid, to be applied to the Uſe of the Poor; firſt deducting the Charges of repairing the Pound Breach.

Proprietors to repair Streets bordering on the Lands,

V. Sect. 4. *Be it Enacted*, That if any Proprietor of Lands bordering upon the Streets, Lanes and Highways of the Town and Suburb of *Halifax*, ſhall not within Fifteen Days Notice from the Surveyors of Highways, cauſe ſuch Parts of the Streets, Lanes and Highways as border on his Lands to be levelled and repaired, according to the Directions of ſuch Surveyors, ſuch Perſons ſhall forfeit and pay ſuch Sum as ſhall be certified on Oath by ſuch Surveyors to be neceſſary for ſuch Levelling and Repairs, which Sum ſhall, on ſuch Certificate

cate be levied by Warrant of Diſtreſs and Sale, from any one of his Majeſty's Juſtices of the Peace, and for want of Goods and Chattels whereon to Levy; the real Eſtate of ſuch Proprietor ſhall then be liable.

VI. Sec. 5. *Provided*, that if any Perſon ſhall be rated by ſuch Certificate in any Sum exceeding *Forty Shillings*, ſuch Perſon may appeal to the next *General Seſſions of the Peace*, who may finally determine the ſame. Appeal to the Seſſions.

VII. Sec. 6. *And be it further Enacted*, That the Juſtices in their *Quarter Seſſions* of the *Peace* in all other Counties within the Province, ſhall be impowered to make Regulations for preventing Treſpaſſes by Horſes, Swine, Sheep, Goats and Neat Cattle going aſtray in manner as ſhall be moſt agreeable to the Circumſtances of ſuch County or Townſhips therein. Juſtices in Seſſions to make Regulations.

VIII. 1. *Geo.* 3. *Ch.* 10. That any Perſon tranſgreſſing ſuch Regulations ſo made by the Juſtices in the Seſſions aforeſaid, for the preventing of Treſpaſſes aforeſaid, ſhall be ſubject to a Fine not exceeding *Forty Shillings*, to be recovered on Complaint or information before any two Juſtices of the Peace for the County where the Offence ſhall be committed, or before the Seſſions in ſaid County. Tranſgreſſors of regulations ſubject to fine of 40*s*.

IX. 1. *Geo.* 3. *Ch.* 5. It ſhall and may be lawful for any Perſon whatſoever, to take and ſeize all Swine and Goats going at large within the Street, Lanes, and Suburbs of *Halifax*, and upon Proof thereof on Oath of one Credible Witneſs before any one of His Majeſty's Juſtices of the Peace for the ſaid Town and County, the ſame ſhall be by him declared forfeited; one Third of the Value of which, to be paid to the Proſecutor, and the Remainder to, and for the uſe of the Poor of the Town of *Halifax*, and ſhall accordingly be diſpoſed of by him for their Uſe. Any Perſon may ſeize Goats or Swine going at Large.

X. 7. *Geo.* 3. *Ch.* 8. Sec. 1. That if any Perſon (not being the Proprietor, or having legal Authority), ſhall preſume to throw down or remove any Fence, of Stone Wall, or any part thereof, incloſing any Parcel of Ground within this Province, or ſhall carry away any Rails, poſts, Gates, Bars, Boards or any other Materials, whereof Fences are made, or ſhall levell any Ditches, or cut down any Hedges, ſuch Perſon ſhall upon Conviction thereof, before the *General Seſſions of the Peace*, or before any *Court of Record* in this Province (over and above the Damages given to the Party injured, forfeit and pay a Sum not exceeding *Ten Pounds*, one Half to His Majeſty, and the other Half to the Proſecutor; and if ſuch Perſon ſhall be unable to pay the ſame, he ſhall be committed to the Houſe of Correction, Throwing down Stone Fences, &c. penalty £10.

rection, there to be kept to hard Labour for the ſpace of two Months, or be whipped at the Diſcretion of the Court.

Horſes breaking inclоſures Penalty 10*s.* above Damages.

XI. Sec. 2. That all Horſes that ſhall break into any Incloſures, within the Peninſula of *Halifax*, lawfully fenced, or that ſhall be found treſpaſſing therein, the owner of all ſuch Horſe or Horſes, ſhall forfeit and pay the Sum of *Ten Shillings*, for each and every ſuch Horſe, over and above the Damages, which Forfeiture ſhall be recovered on Proof thereof, before any one Juſtice of the Peace, one Half to the Proſecutor, and the other Half to the Uſe of the Poor; and where no Owner ſhall appear to pay the Damages, Coſts and Fine, the ſaid Juſtice ſhall and may (after public Advertiſement given for Ten Days) ſell the ſaid Horſe or Horſes, and the Surpluſage over and above the Payment of the Coſts, Damages and Fine, ſhall be reſtored to the Owner when he appears.

Pole or Bruſh Fences lawful.

XII. 8. *Geo.* 3. *Ch.* 12. That the Pole Fence as is now commonly uſed, or any other Fence made of Bruſh, or other Materials, to the Judgment of the Fence Viewer, ſhall be deemed and held to be lawful, and if any diſpute ſhall ariſe thereon, the ſame ſhall be adjudged and determined immediately, and without delay, by any two Men of known Reputation to be mutually choſen by the Parties, which two Men, together with the Fence Viewer, or the majority of them ſhall and are hereby impowered to determine the ſame; and in Caſe either of the ſaid Parties ſhall neglect, or refuſe to make ſuch Choice and Appointment, then the ſaid Choice ſhall and may be made by the Party willing and ready to do the ſame.

Diſputes how determined.

Farms bounded by Rivers.

XIII. 8. *Geo.* 3. *Ch.* 7. Sec. 1. That to all Farms which are bounded on Rivers, where the Tide flows Eight Feet, and upwards, at common Tides, ſuch river ſo far up, ſhall be deemed a ſufficient and lawfull Fence.

Peninſula *Halifax*, Fences 4 Feet lawful.

XIV. Sect. 2. The Juſtices of the Peace for the County of *Halifax*, ſhall, and are hereby impowered in their *Quarter Seſſions of the Peace*, to make Regulations for preventing Treſpaſſes by Horſes, Swine, Sheep, Goats and Neat Cattle going aſtray, in Manner as ſhall be moſt agreeable to the Circumſtances of ſuch County or Townſhip therein, and enforce the ſame by the like Penalties, as the Juſtices of the Peace in the other Counties at their *Quarter Seſſions* are impowerd to do.

Juſtices in *Halifax*, impowerd to make Regulations.

XV. 17. *Geo.* 3. *Ch.* 6. If any Perſon or Perſons ſhall cut down, or otherwiſe deſtroy any Trees or Underbruſh growing within Thirty Feet off the Road off the Land, that lies between the ſaid Road leading

ing from *Halifax to Fort Sackville*, on that Side next *Bedford Baſon*, he or they ſhall on Proof thereof, by the Oath of one Credible Witneſs, before one of His Majeſty's Juſtices of the Peace, forfeit and pay the Sum of *Forty Shillings*, to be levied by Warrant of Diſtreſs, one Half to the Informer, and the other Half to the Uſe of ſaid Road.

Cutting down Underbruſh on Sackville Road puniſhable.

XVI. 21. *Geo.* 3. *Ch.* 4. That all Partition Fences, between Lands under Improvement ſhall be made and maintained from Time to Time, in equal Proportion, by the Owners or Proprietors of ſuch Lands reſpectively. But when it ſhall happen, that it ſhall be wood, barren or burnt Land, and not under any Improvement, no proprietor ſhall be obliged to make any Part of the Fence to ſaid Wood, barren or burnt Land; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Wood, barren or burnt Land, Owners not obliged to Fence.

CAP. XII.

An Act for making *Lands* and *Tenements* liable to the Payment of *Debts*.

BE it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted, That from and after the Publication hereof, when any Perſon or Perſons ſhall recover Judgment in any of His Majeſty's Courts of Record within this Province, for any Sum or Sums of Money, or for Coſts of Suit, and the Perſon or Perſons againſt whom Judgment ſhall be recovered, ſhall be either unwilling or unable to ſatisfy ſuch Judgment by Money or otherwiſe, or ſufficient *Perſonal Eſtate*, whereon to levy Execution on ſuch Judgment, ſhall not be found, then and in ſuch Caſe, Execution ſhall and may be extended on the *Real Eſtate* of ſuch Debtor or Debtors; and the Sheriff or his Deputy, upon Requeſt to either of them made by the Creditor or Creditors, his or their Attorney or Agent, ſhall give Notice in Writing to the Debtor or Debtors, or in their Abſence to their Attorney or Agent, to nominate an Appraiſer, and the Creditor or Creditors ſhall have like Notice to nominate another on their behalf, and the ſaid Sheriff or his Deputy

Execution, upon Judgment, to be levied on Perſonal Eſtate, and if inſufficient then on Real Eſtates of the Debtor

by Appraiſers to be appointed by the Creditor, Debtor, and Sheriff,

Deputy ſhall name a Third, being all diſcreet indifferent Men and Freeholders; and in Caſe ſuch Debtor or Creditor or either of their Agents or Attornies ſhall, for the Space of three Days after ſuch Notice, refuſe or neglect to nominate an Appraiſer on their reſpective behalfs, or in Caſe ſuch Debtor or Debtors, ſhall be abſent from the Province, and have no known Attorney or Agent, then and in ſuch Caſe the Sheriff or his Deputy ſhall and may nominate an Appraiſer for ſuch Debtor or Creditor reſpectively: And the Sheriff or his Deputy ſhall cauſe the ſaid Appraiſers, ſo nominated, to be ſworn before ſome of His Majeſty's Juſtices of the Peace, faithfully and impartially to the beſt of their Skill and Knowledge, to appraiſe ſuch *Real Eſtate* as ſhall be ſhewn to them. And the ſaid Appraiſers with the Sheriff or his Deputy ſhall forthwith repair to the Lands or Tenements of ſuch Debtor, and view and examine the State and Condition thereof, and if upon ſuch View and Examination, the ſaid Appraiſers, or any two of them, ſhall judge that the annual Rent of ſuch Lands or Tenements, will be ſufficient to pay ſuch Debt, Coſts, and lawfull Intereſt for the ſame, together with the neceſſary Repairs, within Two Years, then the Sheriff or his Deputy ſhall extend the ſaid Execution on the Rents only, and cauſe the Perſon or Perſons in Poſſeſſion whether Debtor or Debtors, or their Tenant or Tenants, to Attorn and become Tenant to ſuch Creditor or Creditors, and ſhall pay Rent Quarterly to ſuch Creditor or Creditors, who may diſtrain for the ſame, if in Arrear, according to the Laws of *Great-Britain*, "And "every ſuch Debtor or Debtors, or Perſons in Poſſeſſion of the Pre- "miſes, who ſhall refuſe to attorn as Tenants to the Creditor or Cre- "ditors, at the Rent fixed by the Appraiſers, and ſhall refuſe or neglect "to pay the Rent as it becomes due, then in either of theſe Caſes, the "Perſon or Perſons in Poſſeſſion of the Lands or Tenements, ſhall be "deemed as guilty of a wrongfull Detainer, and ſhall and may be pro- "ſecuted accordingly."

and ſworn to appraiſe ſuch Real Eſtate as ſhall be

Execution to extend on Rents only, (if ſufficient to ſatisfy Debt and Coſts, &c.)

Rents to be paid to the Creditor.

5. *Geo.* 3: *Ch.* 8.

II. *And be it further Enacted*, That if upon ſuch View and Examination aforeſaid, the ſaid Appraiſers or the major Part of them ſhall be of Opinion, that the yearly Rents of the Lands or Tenements of ſuch Debtor or Debtors are not ſufficient to ſatisfy ſuch Debt with Coſt and Intereſt, together with the Charge of needfull Repairs within the Space of two Years, then the Execution ſhall, and may be levied on Part of ſuch Eſtate, and whenever an Execution ſhall be ſo levied, there ſhall be five Appraiſers fit and diſcreet Men, two to be choſen by the Debtor, two by the Creditor, and one by the Sheriff or his Deputy, who ſhall be ſworn to do equal Juſtice between Debtor and Creditor in valuing

valuing the ſame, and ſhall ſett of ſo much thereof, as they ſhall think ſufficient to ſatisfy the Debt with Coſts and Intereſt, with as little Injury as may be to the Debtor, and to the ſaid Remander of the Eſtate; But if the ſaid Execution cannot conveniently be levied upon a Part of ſaid Eſtate, or if a Part ſhall be inſufficient; then the ſaid Execution ſhall and may be Levied upon the whole of the Lands or Tenements of ſuch, Debtor or Debtors, and the Sheriff or his Deputy ſhall immediately deliver, ſeizen and Poſſeſſion thereof to ſuch Creditor or Creditors, and ſhall cauſe the Perſon or Perſons in Poſſeſſion or Improvement thereof to attorn, and become Tenants to ſuch Creditor or Creditors, and in Caſe the Tenant or Tenants, or other Perſon in Poſſeſſion or Improvement of ſuch Lands, or Tenements, ſhall refuſe to attorn, and become Tenants to the Creditor or Creditors, at ſuch Rents as ſaid Creditors ſhall think reaſonable, and pay the ſame as it becomes due, that then and in either of theſe Caſes, the Perſon or Perſons in Poſſeſſion of ſaid Lands or Tenements ſhall be held and deemed wrongfull Detainers, and ſhall and may be proſecuted Accordingly.

III. *And be it Enacted*, That the Attornment, ſhall be in the Form following. 3. *Geo.* 3. *Chap.* 8.

Form of Attornment.

" *I. A. B.* of do hereby attorn and become
" Tenant to *C. D.* of for for the
" Term of at the yearly Rent of
" *per Annum*; the ſaid Rent to be paid Quarterly,
" with Liberty for the ſaid *C. D.* or his Attorney to enter into ſaid
" Premiſſes and diſtrain for the ſaid Rent, if in Arrear; in Conſidera-
" tion of which Attornment I have paid the ſaid *C. D.* the ſum of One
" Shilling. Witneſs my Hand at the
" Day of Witneſs

IV. *And be it further Enacted*, That in all Caſes where an Appraiſement as herein before directed, ſhall be made, whether the ſame be of Lands or Tenements, in Part or in Whole, or of the Rents thereof only; the Appraiſers ſhall make and ſubſcribe a true and impartial Appraiſement thereof, which ſaid Appraiſement being annexed to the Execution, and duly returned by the Sheriff or his Deputy, and filed and recorded therewith by the Clerk of the Court from whence the ſame iſſued, in a Book to be kept by him for that Purpoſe, and the Sheriff or other Officer ſerving ſuch Execution, ſhall immediately execute a Deed of Sale of ſuch Lands or Tenements, to ſuch Creditor or Creditors, in Conſideration of the Value found by ſuch Appraiſers, to be therein mentioned, who by virtue thereof, or of ſaid Return, ſhall make a good Title to ſuch Creditor or Creditors, his or their Heirs or Aſſigns in *Fee*. *Subject nevertheleſs* to an Equity of Redemption

Appraiſers to make and ſubſcribe an Appraiſement, to be annexed to the Execution, & returned to the Clerk of the Court.

Sheriff to execute a Deed of the Premiſſes to the Creditors.

Subject to an Equity of Redemption.

Clerk neglecting his Duty, forfeits £5.

demption, as is herein after preſcribed; and any Clerk refuſing or neglecting his Duty herein, ſhall forfeit the Sum of *Five Pounds*, to be recovered by Action of Debt by the Party aggrieved.

Debtors may redeem their Lands, &c. in two Years.

IV. *Provided always, and it is hereby further Enacted*, That it ſhall and may be lawful for any Debtor or Debtors, whoſe Eſtate is taken in Execution, or their Heirs, Executors, Adminiſtrators, or Aſſigns, at any Time, within the Space of Two Years next following the Levying ſuch Execution thereon, to redeem his or their Lands or Tenements ſo extended, and may have his Action of Account againſt the Creditor or Creditors or their Aſſigns, in Manner as is provided by Law: And upon paying the original Debt with the Coſt and Intereſt, and the Charges of ſuch neceſſary Repairs, as the Creditor or Creditors or their Aſſigns have been obliged to expend, *Provided* that they do not exceed One half of the Rents, which the Creditor or Aſſigns, if he or they ſee cauſe, are hereby allowed to expend and lay out, and as much more as the Debtor ſhall conſent to, (who is hereby obliged to accept the ſame) ſuch Creditor or Creditors or their Aſſigns ſhall immediately ſurrender all ſuch Eſtate to the Debtor or Debtors, their Heirs, Executors, Adminiſtrators, or Aſſigns, and deliver up quiet and peaceable Poſſeſſion thereof.

and bring Action of Account againſt the Creditor for the Rents.

Eſtates appraiſed at a greater Value than the Debt and Coſts, to be ſold at publick Auction, after 30 Days from the Expiration of the Two Years, if not ſooner redeemed.

13. *Geo.* 3. *Ch.* 4.

V. *And be it further Enacted*, That when any Eſtate ſhall be found by the Appraiſers, to be of greater Value than the Debt and Coſt, the Creditor or Creditors ſhall be obliged, at the Expiration of Thirty Days next after the End of the ſaid Two Years, (if not ſooner redeemed) to give publick Notice by Advertiſement "in the *Nova Scotia* "*Gazette*, or other publick Newſpaper and in ſome public Place in "the Townſhip or Place, where the Lands lie, at leaſt three ſeveral "Times, during three Months before ſuch Sale." That the Lands or Tenements, ſo extended, are to be ſold at publick Auction by the Sheriff or his Deputy, who are hereby impowered to ſell the ſame, and to execute to the Perſon or Perſons purchaſing the ſame, a Deed thereof as of a Fee Simple, which Deed being regiſtred as by Law required, ſhall be good and valid in the Law; but in the mean Time and until ſuch Sale ſhall be made, the Equity of Redemption of ſuch Lands or Tenements, ſhall be open in Favour of ſuch Debtor or Debtors, their Heirs, Executors, Adminiſtrators, or Aſſigns, to recover the ſame; and if, upon ſuch Sale, the ſaid Lands or Tenements, do ſell for more than the original Debt, Coſt, Charges, and Intereſt, the Creditor or Creditors, or their Attorney or Agent or Aſſigns, ſhall pay the Overplus into the Hands of the Debtor or Debtors or their Heirs, Executors, Adminiſtrators, or Aſſigns, the ſaid Creditor or Creditors accounting to ſuch Debtor or Debtors, for all Rents and Profits, firſt deducting for all neceſſary Repairs: But if the ſaid Lands,

If ſold for more than the Debt and Coſts, &c. the Creditor to pay the Debtor the Surplus, and account for the Rents and Profits;

Lands or Tenements do ſell for leſs than the Debt, Coſt, and Charges Intereſt, then the Creditor or Creditors, or their Heirs or Aſſigns, in ſuch Caſe, ſhall and may have an *Alias* Execution againſt the Debtor for the Reſidue.

If ſold for leſs, the Creditor to have an *Alias* Execution.

VI. *And be it further Enacted*, That when the Real Eſtate of the Debtor upon Appraiſement, or when the yearly Rent of the Lands or Tenements extended upon, at the End of the ſaid Two Years, ſhall be found inſufficient to ſatisfy the Judgment, with Coſt, Charges, Intereſt, and needful Repairs; That in either Caſe, an *Alias* Execution may iſſue on the ſaid Judgment for the Remainder, and be levied on ſuch other Effects or Eſtate as can be found of the Debtor, or his Body may be taken and detained until Satisfaction be made of ſuch Judgment, with Coſt, Charges, and Intereſt; any Law, Uſuage, or Cuſtom to the contrary notwithſtanding.

If the Real Eſtates inſufficient, &c. Execution to be levied on their Effects, or the Body.

VII. *Provided*, That nothing herein contained ſhall extend or be conſtrued to extend to the Detaining in Priſon any poor Inſolvent Debtor, contrary to the Law of this Province in that Caſe made and Provided.

Not to extend to Inſolvent Debtors.

VIII. 13. *Geo.* 3. *Ch.* 4. *Be it Enacted*, That nothing in the ſaid Act, nor any thing therein contained, ſhall extend or be conſtrued to extend, to bar the Title of any Minor, Feme Covert, or Perſon non Compos Mentis, impriſoned, or abſent from the Province, but they ſhall be intitled to ſue for, and recover any Lands or Tenements within this Province, to which they are intitled, within Six Years after ſuch Impediment ſhall be removed, any thing in the ſaid Act to the contrary in any wiſe notwithſtanding.

Minors, &c. may recover lands within ſix Years after impediment removed.

CAP. XIII.

An Act for preventing Frauds by *Butchers* and *Fiſhmongers*.

BE it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted, That every Butcher and other Perſon, who ſhall kill or ſlaughter any Ox, Cow, Sheep, Swine, Calf, Lamb, or other Cattle, for Sale, ſhall ſlaughter and flea the ſame in the moſt clean and plain Manner, and ſhall not on any Pretence, raiſe, or blow, or uſe any fraudulent or deceitful Art to ſet off the ſame; and no Butcher or other Perſon, ſhall ſell or expoſe to Sale any Cattle killed, but what ſhall be killed or dreſſed in the moſt plain Manner, and according to the Meaning of this Act; and if any Butcher or other Perſon ſhall offend in

Cattle to be ſlaughtered and ſold in the moſt clean and plain Manner,

in any of the Premiſſes, and be convicted of the ſaid Offence, before One Juſtice of the Peace of any County, by One Witneſs or Confeſſion of the Offender, or on View by ſuch Juſtice, he ſhall forfeit ſuch Ox, Cow, Sheep, Swine, Calf, Lamb, or other Cattle, or Part thereof, killed or dreſſed contrary to this Act, to be diſpoſed of, by ſuch Juſtice, among the Poor of the Town, where ſuch Offence ſhall be committed, or among the Priſoners; and ſhall further forfeit the Sum of Five Shillings to and for the Uſe of the Informer, to be levied by Warrant of Diſtreſs under the Hand and Seal of ſuch Juſtice.

on Penalty of forfeiting the Beaſt or any Part thereof, to the Poor, and 5*s.* to the Informer.

Conviction before one Juſtice.

No Perſon to ſell any tainted Fleſh or Fiſh, on like Penalty.

II. *And be it further Enacted*, That no Butcher or other Perſon ſhall ſell or expoſe to Sale, any tainted Fleſh or Fiſh, unfit for Sale, under the like Forfeiture and Penalty, to be proſecuted and recovered, and to be diſpoſed of in Manner aforeſaid, unleſs the ſaid tainted Fleſh or Fiſh be wholly unfit for Food, in which Caſe the Juſtice before whom ſuch Conviction ſhall be had, ſhall cauſe ſuch tainted Fleſh or Fiſh to be burnt or otherwiſe deſtroyed.

Clerks of the Market may ſeize ſuch tainted Fleſh or Fiſh, *ex officio*.

III. *And be it further Enacted*, That the Clerks of the Market ſhall, and are hereby impowered, *ex officio*, to ſeize and take all ſuch Fleſh blown or fraudulently or deceitfully ſet off, or Fiſh tainted and unfit for Sale, and to proceed againſt and convict ſuch Offenders in Manner aforeſaid, and the Fines ariſing therefrom ſhall be to and for their own Uſe.

CAP. XIV.

An Act concerning *Marriages* and *Divorce*, and for puniſhing *Inceſt* and *Adultery*, and declaring *Polygamy* to be *Felony*.

BE *it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That any Perſon preſuming to officiate in ſolemnizing any Marriage, before Notice of the Parties Intention of Marriage ſhall be publickly given, on Three ſeveral *Sundays* or *Holy Days*, in Time of Divine Service, in ſome Congregation within the Town or Towns, where each of the Parties do reſide, or for which Marriage Licence ſhall not have been obtained, under the Hand of the Governor or Commander in Chief of the Province for the Time being, ſhall forfeit and pay to the Uſe of His Majeſty's Government, *Fifty Pounds*, to be recovered by Bill, Plaint, or Information, in any of the Courts of Record within this Province.

No Marriage to be ſolemnized without Licence, or Notice thrice given in ſome Congregation.

on Penalty of forfeiting £50. by the Perſon officiating.

II. *And*

II. *And be it further Enacted*, That if any Clergyman, officiating as ſuch in any Congregation in the Town or Towns, where the Parties reſide, ſhall neglect or refuſe to make or cauſe to be made ſuch Publication when thereunto reaſonably requeſted, he ſhall forfeit the Sum of *Fifty Pounds*, to be recovered in Manner aforeſaid: And be ſubject nevertheleſs to an Action of Damages, to be brought by any of the Parties aggrieved.

Clergyman refuſing to make Publication forfeits £50.

and liable to an Action for Damages.

III. *And be it further Enacted*, That if any Clergyman ſhall refuſe to marry any Perſons requeſting him thereto, and making known to him that they have been duly publiſhed, or have obtained a Licence as aforeſaid, he ſhall forfeit the Sum of *Fifty Pounds*, to be recovered in Manner aforeſaid, and be ſubject to the like Action of Damages.

The like Penalty for refuſing to marry.

IV. *And be it further Enacted*, That if any Perſon, being married, do marry again the former Huſband or Wife being alive, ſuch Offence ſhall be *Felony*.

Polygamy to be Felony. *Eng. Stat.* 1. *Ja.* 1. *c.* 11.

V. *Provided nevertheleſs*, That the foregoing Clauſe of this Act, ſhall not extend to any Perſon whoſe former Marriage has been declared void, or who has obtained a Divorce by any Sentence had before the Governor and Council; nor ſhall any Attainder for this Offence work any Corruption of Blood, Loſs of Dower, or Diſinheriſon of Heirs.

Not to extend to Marriages declared void by the Governor and Council.

nor to work Corruption of Blood, &c.

VI. *And be it further Enacted*, That all Matters relating to prohibited Marriages and Divorce, ſhall be heard and determined by the Governor, or Commander in Chief for the Time being, and His Majeſty's Council of this Province.

All Matters relating to prohibited Marriages &c. to be determined by the Governor and Council.

VII. 1. *Geo.* 3. *Ch.* 7. That the Cauſes for which Marriages ſhall be declared null and void ſhall be in all Cauſes of Impotence, of Precontract and Kindred within the Degrees prohibited in an Act made in the Thirty Second Year of King Henry the Eighth, intituled, *An Act concerning Precontracts and touching Degrees of Conſanguinity*, of Adultery and of Cruelty, and for none other Cauſes whatſoever.

VIII. *And be it further Enacted by the Authority aforeſaid*, That every Man and Woman who ſhall carnally know each other, being within the Degrees of Kindred forbidden in the aforeſaid Act, and ſhall be convicted thereof before *His Majeſty's Supreme Court of Judicature, Court of Aſſize and General Gaol Delivery*, or Court of *General Quarter Seſſions* of the Peace, ſhall be ſet in the Pillory for the Space of One Hour, and further ſhall forfeit the Sum of *Fifty Pounds*, to the Uſe of His Majeſty's Government, or ſuffer Six Months Impriſonment.

Perſons within the Degrees of Kindred forbidden, who ſhall carnally know each other, to be ſet on the Pillory and forfeit £50. or ſuffer Six Months Impriſonment.

Perſons committing Adultery, to forfeit £50. or ſuffer Six Months Impriſonment, and liable to an Action for Damages,

IX. *And be it further Enacted*, That every Perſon who ſhall commit Adultery, and ſhall be thereof convicted before any of His Majeſty's Courts aforeſaid, ſhall forfeit to the Uſe aforeſaid the Sum of *Fifty Pounds*, or ſuffer Six Months Impriſonment, and to be ſubject nevertheleſs to an Action of Damages by any of the Parties aggrieved.

CAP. XV.

An Act for preventing *Frauds* and *Perjuries*.

Eng. Stat. 29 *Car.* 2. *c.* 3. *Sec.* 1.——4. After the 1ſt May 1759, Leaſes, &c. by Livery & Seiſin only, or by Parol and not put in writing,

BE it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted, That from and after the *Firſt Day* of *May* in this preſent Year, *One Thouſand Seven Hundred and Fifty Nine*, all Leaſes, Eſtates, Intereſts of Freehold, or Terms of Years, or any uncertain Intereſt of, in, or out of any Meſſuages, Lands, Tenements, or Hereditaments, made or created by Livery and Seiſin only, or by Parol, and not put in Writing and ſigned by the Parties ſo making or creating the ſame, or their Agents thereunto lawfully authoriſed by Writing, ſhall have the Force and Effect of Leaſes, or Eſtates at Will only, and ſhall not, either in Law or Equity, be deemed or taken to have any other or greater Force or Effect, any Conſideration for making any ſuch Parol Leaſes or Eſtates, or any former Law or Uſuage to the contrary notwithſtanding.

to have the Forces of Leaſes or Eſtates at Will only.

Except Leaſes not exceeding the Term of Three Years.

II. *Except nevertheleſs*, all Leaſes not exceeding the Term of Three Years from the making thereof, whereupon the Rent reſerved to the Landlord, during ſuch Term, ſhall amount unto Two Third Parts at leaſt, of the full improved Value of the Thing demiſed.

No Leaſes, &c. to be aſſigned, &c. unleſs by Deed or Note in Writing, ſigned by the Party, or by Act of Law.

III. *And be it alſo Enacted*, That no Leaſes, Eſtates, or Intereſts, either of Freehold, or Term of Years, or any uncertain Intereſt of, in, to or out of any Meſſuage, Lands, Tenements, or Hereditaments, ſhall, at any Time after the ſaid *Firſt Day* of *May*, be aſſigned, granted, or ſurrendered, unleſs it be by Deed or Note in Writing, ſigned by the Party ſo aſſigning, granting, or ſurrendering the ſame, or their Agent thereunto lawfully authoriſed by Writing, or by Act and Operation of Law.

No Action to be brought whereby to charge any Perſon to anſwer for the Debt, &c. of another,

IV. *And be it further Enacted*, That from and after the ſaid *Firſt Day* of *May*, no Action ſhall be brought whereby to charge any Executor or Adminiſtrator upon any Special Promiſe, to anſwer Damages out of his own Eſtate, or whereby to charge the Defendant upon any ſpecial Promiſe, to anſwer for the Debt, Default or Miſcarriages of another Perſon, or to charge any Perſon upon any Agreement made upon

upon Conſideration of Marriage, or upon any Contract or Sale of Lands, Tenements, or Hereditaments, or any Intereſt in, or concerning them, or upon any Agreement that is not to be performed within the Space of One Year from the making thereof, unleſs the Agreement upon which ſuch Action ſhall be brought, or ſome Memorandum or Note thereof, ſhall be in Writing, and ſigned by the Party to be charged therewith, or ſome other Perſon thereunto by him lawfully authoriſed.

Unleſs upon an Agreement, &c. in Writing, ſigned by the Party ſo charged

V. *And be it further Enacted*, That no Contract for the Sale of any Goods, Wares, and Merchandizes for the Price of Ten Pounds or upwards, ſhall be allowed to be good, except the Buyer accept Part of the Goods ſo ſold, or actually receive the ſame, or give ſomething in Earneſt to bind the Bargain or in Part of Payment, or that ſome Note or Memorandum in Writing of the ſaid Bargain be made, and ſigned by the Parties to be charged by ſuch Contract, or by their Agents thereunto lawfully authoriſed.

Eng. Stat. 29 Car. 2. c. 3. Sect. 7.—11. No contract to be allowed for any Goods, &c. above £10. unleſs the Buyer accept Part, or give Earneſt, or ſign a Memorandum in Writing.

VI. *And be it further Enacted*, That from and after the ſaid *Firſt Day of May*, all Declarations or Creations of Truſts or Confidences of any Lands, Tenements, or Hereditaments, ſhall be manifeſted and proved by ſome Writing ſigned by the Party who is, by Law, enabled to declare ſuch Truſt, or by his laſt Will in Writing, or elſe they ſhall be utterly void and of none Effect

Eng. Stat. 29 Car. 2. c. 3. Sect. 7. Declarations of Truſts, &c. to be proved by ſome Writing ſigned by the Party declaring the ſame, or by his laſt Will in Writing.

VII. *Provided always*, That where any Conveyance ſhall be made of any Lands or Tenements, by which a Truſt or Confidence ſhall or may ariſe or reſult by the Implication or Conſtruction of Law, or be transferred or extinguiſhed by an Act or Operation of Law, then and in every ſuch Caſe, ſuch Truſt or Confidence ſhall be of the like Force and Effect, as the ſame would have been, if this Act had not been made; any Thing herein before contained to the contrary notwithſtanding.

Exception as to conveyances of Lands, &c. whereby a Truſt may ariſe by Conſtruction of Law.

VIII. *And be it further Enacted*, That all Grants and Aſſignments of any Truſt or Confidence, ſhall likewiſe be in Writing, ſigned by the Party granting or aſſigning the ſame, or by ſuch laſt Will or Deviſe, or elſe ſhall be utterly void and of none Effect.

Grants and Aſſignments of Truſts to be in Writing ſigned by the Party, or by ſuch laſt Will.

IX. *And be it further Enacted*, That it ſhall and may be lawful for every Sheriff or other Officer, to whom any Precept or Writ ſhall be directed, upon any Judgment or Recognizance, to do Execution of all ſuch Lands, Tenements, and Hereditaments, as any other Perſons be ſeized or poſſeſſed of in Truſt for him againſt whom Execution is ſued, as if the Party againſt whom Execution ſhall be ſued, had been ſeized of ſuch Lands, Tenements, and Hereditaments, of ſuch Eſtate as they be ſeized of in Truſt for him at the Time of the Execution ſued, which

Sheriff, &c. to execute Writs and do Execution of all ſuch Lands, &c.

Lands

Lands, Tenements, and Hereditaments, ſhall be accordingly held, freed from all Incumbrances of ſuch Perſons ſeized or poſſeſſed in Truſt.

Heir chargeable with the Obligation of his Anceſtor.

but not out of his own Eſtate.

X. And if any *ceſtui que Truſt*, ſhall die leaving a Truſt in Fee Simple to deſcend to his Heirs, ſuch Truſt ſhall be Aſſets by Deſcent, and the Heir ſhall be chargeable with the Obligation of his Anceſtor, as if the Eſtate in Law had deſcended to him. *Provided* that no Heir, who ſhall be chargeable by Reaſon of any Eſtate or Truſt made Aſſets by this Law, ſhall by Reaſon of any Plea, Confeſſion of the Action, or ſuffering Judgment by *nient de dire*, or other Matter, be chargeable to pay the Condemnation out of his own Eſtate, but Execution ſhall be ſued of the whole Eſtate ſo made Aſſets, in whoſe Hands ſoever it ſhall come after the Writ purchaſed, in the ſame Manner as by the Common Law, where the Heir pleading a true Plea, Judgment is prayed againſt him thereupon.

Eng. Stat. 29. *Car.* 2. *c.* 3. *Sect.* 12. Eſtate *pur auter vie*, deviſable by Will,

If no Deviſe, to be chargeable in the hands of the Heir; as aſſets by Deſcent,

if no Special Occupant, to go to Executors, and be diſtributable, after payment of Debts, as Inteſtate Eſtates.

XI. *And be it further Enacted*, That any Eſtate *pur auter vie*, ſhall be deviſeable by a Will in Writing ſigned by the Party deviſing the ſame, or by ſome other Perſon in his Preſence and by his Expreſs Direction, atteſted and ſubſcribed in the Preſence of the Deviſor by three or more Witneſſes; and if no ſuch Deviſe thereof ſhall be made, the ſame ſhall be chargeable in the Hands of the Heir, if it ſhall come to him by Reaſon of a ſpecial Occupancy, as Aſſets by Deſcent, as in Caſe of Lands in Fee Simple; and in Caſe there be no ſpecial Occupant thereof, it ſhall go to the Executors or Adminiſtrators of the Party that had the Eſtate thereof by Virtue of the Grant, and ſhall be Aſſets in their Hands, and ſhall be ſubject to the Payment of Legacies, and be diſtributable, after Payment of Debts, in the ſame Manner as other Eſtates of Inteſtate Perſons are diſtributable by the Laws of this Province.

Eng. Stat. 29. *Car.* 2. *c.* 3. *Sect.* 14. 15. The firſt Judge on the Bench to Sign every Judgment without Fee.

XII. *And be it further Enacted*, That the Firſt Judge on the Bench in any of His Majeſty's Courts, ſhall ſign every Judgment without Fee, and ſet down the Day of the Month and Year of his ſo doing, upon the Paper or Docket which he ſhall ſign; which Day of the Month and Year, ſhall be alſo entered upon the Margin of the Record, where the ſaid Judgment ſhall be entered.

which ſhall be deemed a Judgment from ſuch Time only.

XIII. And ſuch Judgment as againſt Purchaſers *bone fide* for valuable Conſiderations of Lands, to be charged thereby ſhall, in Conſtruction of Law, be Judgments only from ſuch Times as they ſhall be ſo ſigned, and ſhall not relate to the Firſt Day of the Term whereof they are entered, or to the Day of the Return of the Original or filing the Bail.

XIV. *And*

XIV. *And be it alſo Enacted*, That no Satisfaction ſhall, at any Time, be entered on the Record of any Judgment, upon the Motion of any Attorney, except the ſaid Attorney ſhall prove his Warrant for acknowledging ſuch Satisfaction, by Affidavit of One credible Witneſs in Writing, to be filed in the Office where ſuch Judgment is entered.

No Satisfaction of any Judgment to be entered on Record by motion of an Attorney, unleſs his Warrant be proved by Affidavit of one Witneſs.

XV. *And be it further Enacted*, That no Writ of Execution ſhall bind the Property of the Goods of the Party, againſt whom ſuch Writ of Execution is ſued forth, but from the Time ſuch Writ ſhall be delivered to the Sheriff, Underſheriff or Coroner, to be executed; and the Sheriff, Underſheriff and Coroners ſhall, upon the Receipt of any ſuch Writ, without Fee, indorſe thereon the Day of the Month and Year whereon they received the ſame.

Eng. Stat. 29. *Car.* 1. *c.* 3. *Sect.* 16. No execution to bind the Property of Goods, but from the Time that it is delivered to the Sheriff.

CAP. XVI.

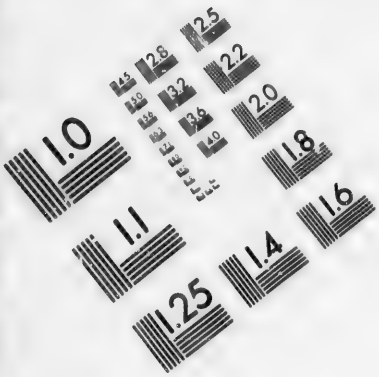
An Act to provide for the Support of *Baſtard Children* and the Puniſhment of the Mother and reputed Father.

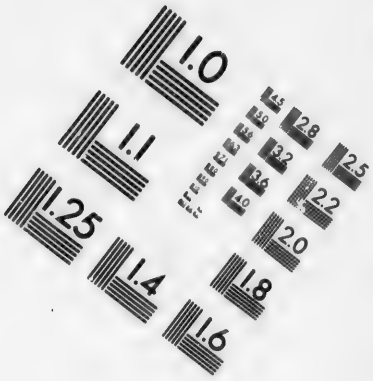
BE it *Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That from and after the Twenty Fifth Day of March Inſtant, if any Woman ſhall be delivered of a Baſtard Child, which ſhall be chargeable or likely to be chargeable to the Province, ſhe having declared to the Midwife, or other Perſons aſſiſting her at the Time of Delivery, who the Father of ſuch Child was, and ſhall have at ſome Time before, declared herſelf to be with Child, and that ſuch Child is likely to be born a Baſtard, and to be chargeable to any Place within the Province, and ſhall in either of ſuch Caſes, upon Examination to be taken in Writing upon Oath, before One Juſtice of the Peace near where ſuch Place ſhall lie, charge any Perſon with having gotten her with Child; it ſhall and may be lawful for ſuch Juſtice, upon Application made to him by the Overſeers of the Poor of ſuch Place, or any One of them, or ſome ſubſtantial Houſeholder of ſuch Place, to iſſue out his Warrant to apprehend ſuch Perſon ſo charged as aforeſaid, and to bring him before him or ſome other of His Majeſty's Juſtices, and to commit ſuch Perſon to Goal or the Houſe of Correction, unleſs he gives Security to indemnify ſuch Place from the ſupporting or maintaining ſuch Child or Children, and ſhall enter into Recognizance with ſufficient Security for his Appearance at the next Quarter Seſſions, where he ſhall be continued on Recognizance till the Woman is delivered of ſuch Child or Children. *Provided*, that if ſuch Woman

Eng. Stat. 18 *Eliz. c.* 3. 7. *Ja.* 1. *c.* 4. *Sect.* 7. 13 & 14. *Car.* 2. *c.* 12. *Sect.* 19. 6. *Geo.* 2. *c.* 31. If a Woman be with Child of a Baſtard likely to be chargeable to any place within the Province,

the Father to be bound by one Juſtice, with Sureties to indemnify ſuch Place,

and to appear at next Seſſions, and ſo to be continued till the Woman be delivered.





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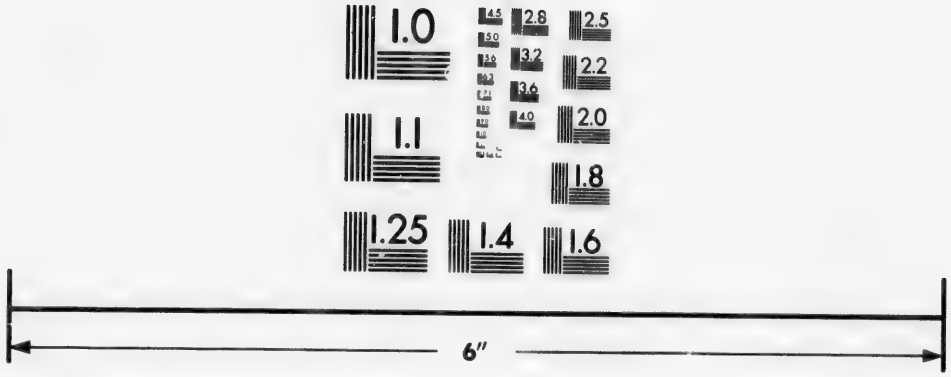

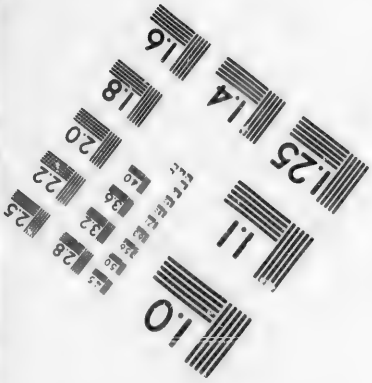

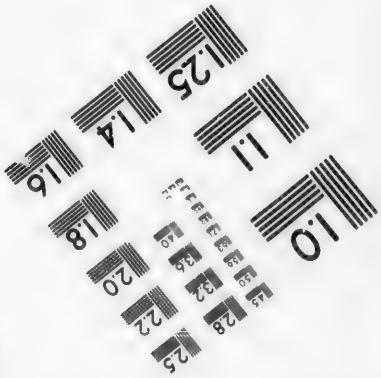

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Woman ſhall die or be married before ſhe be delivered, or Miſcarry of ſuch Child or Children, or ſhall appear not to have been with Child at the Time of her Examination, ſuch Perſon ſhall be diſcharged from his Recognizance at the next Seſſions, or immediately releaſed out of Cuſtody, if committed.

Order to be made by Two Juſtices for the Relief of any Place, and that the Mother or reputed Father ſhall find Security that ſuch Child ſhall not be burthenſome, or pay £20.

II. *And be it further Enacted*, That any Two Juſtices of the Peace near the Place where any Baſtard Child ſhall be born, upon Complaint made by the Overſeers of the Poor or any One of them, or of ſome ſubſtantial Houſeholder, upon due Examination of the Cauſe and Circumſtances, ſhall and may by their Diſcretion make an Order for the Relief of ſuch Place, or Children, and for keeping ſuch Baſtard Child, and that ſaid Mother or reputed Father of ſuch Child or Children, ſhall find ſufficient Security that ſuch Child ſhall not become burthenſome or chargeable to any Place in ſaid Province, or pay the Sum of Twenty Pounds, which ſhall be paid into the Hands of the Overſeers of the Poor for the Support of ſuch Child or Children, or other Town Uſes. And if, after the ſaid Order made by ſaid Juſtices, and by them ſubſcribed and directed to the Overſeers of the Poor, any of ſaid Perſons, *viz.* Either the Father or Mother, upon Notice thereof, ſhall not for his or her Part obſerve and perform ſaid Order, then ſuch Party, making Default, to be committed to Goal or Houſe of Correction for the Space of Six Months, except he or they ſhall give ſufficient Security to perform ſaid Order, or elſe perſonally appear at the next Quarter Seſſions and abide by ſuch Order as ſhall be made at ſaid Seſſions in that behalf, and if no Order ſhall be made at ſaid Seſſions, then to abide by the firſt Order.

on Failure to be committed for Six Months.

Woman accuſing a Man wrongfully, to be ſent to the Houſe of Correction for ſix Months.

III. *And it is hereby further Enacted*, That in Caſe any Woman ſhall accuſe or charge any Man with having gotten her with Child, though the Woman be not with Child, or that the Child be not really his, but appears to be only a Contrivance to defame the Perſon, or cheat him of his Money, that in ſuch Caſe the ſaid Woman ſhall be ſent to the Houſe of Correction, there to be whipped and remain for the Space of Six Months.

Appeal to the next Seſſions, upon ſecurity given.

IV. *Provided nevertheleſs*, That if any Perſon ſhall think himſelf wrongfully charged, or if the Perſon charging him be a Woman of ill Fame or a Common Whore, in ſuch Caſes, upon giving Security to abide the Judgment of the Court, he may appeal from the Order of the Juſtices, to the next Seſſions, when the whole Cauſe may be heard and tried by ſuch Court, on the Verdict of a Jury.

CAP. XVII.

CAP. XVII.

An Act for puniſhing Criminal Offenders.

BE it *Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That if any Perſon ſhall preſume willfully to blaſpheme the Holy Name of GOD, *Father*, *Son*, or *Holy Ghoſt*, or to deny, curſe or reproach the *true* GOD, his Creation or Government of the World, or to deny, curſe, or reproach the Holy Word of GOD, *that is*, the Canonical Scriptures in the Books of the Old and New Teſtament; every ſuch Offender, being thereof duly convicted at the Court of Aſſize and General Goal Delivery, or Seſſions of the Peace, ſhall be ſet twice in the Pillory, for the Space of One Hour each Time, or be impriſoned for three Months, at the Diſcretion of the Court where ſuch Offender ſhall be convicted. Blaſphemy.

II. *And be it further Enacted*, That if any Perſon ſhall prophanely ſwear or curſe in the Preſence or Hearing of any Juſtice of the Peace, or ſhall be thereof convicted by the Oath of One credible Witneſs, or by the Confeſſion of the Party, before any Juſtice of the Peace, every Perſon offending ſhall forfeit, to the Uſe of the Poor of the Town where ſuch Offence ſhall be committed, for the Firſt Offence Two Shillings, and in Caſe ſuch Perſon ſhall, after Conviction, offend a ſecond Time, ſuch Perſon ſhall forfeit double, and if a third Time, Treble the Sum to be paid for the firſt Offence; and upon Neglect of Payment, the Juſtice ſhall iſſue his Warrant to a Conſtable, commanding him to levy the ſaid Forfeitures by Diſtreſs and Sale of the Goods of ſuch Offender, and the Forfeiture, when paid or levied, ſhall be delivered to the Overſeers of the Poor for the Uſe of the Poor as aforeſaid; and in Caſe no Diſtreſs can be had, ſuch Offender being above the Age of Sixteen Years, ſhall by Warrant of the Juſtice, be ſet in the publick Stocks for One Hour for every ſingle Offence, and for any Number of Offences whereof he ſhall be convicted at One Time, Two Hours; and if the Party offending be under the Age of Sixteen Years, and ſhall not pay the Forfeitures, he ſhall, by Warrant of the Juſtice, be whipped by the Conſtable, or by the Parent, Guardian, or Maſter of ſuch Offender, in Preſence of the Conſtable; *Provided always*, that every ſuch Offence be proved or proſecuted within Ten Days after the Offence committed. Prophaneſy ſwearing or Curſing. *Eng. Stat.* 16 *Geo.* 2 *c.* 1.

III. *And be it further Enacted*, That every Perſon who ſhall by View of any Juſtice of the Peace, or Confeſſion of the Party, or Oath of One credible Witneſs before any ſuch Juſtice, be convicted of Drunkenneſs, ſhall forfeit and pay for the Uſe of the Poor of the Town where Drunkenneſs *Eng. Stat.* 4 *Ja.* 1 *c.* 5. & 21 *Ja.* 1 *c.* 7.

where ſuch Offence is committed, the Sum of Five Shillings, to be levied, on neglect or Refuſal to pay the ſame, by Warrant of Diſtreſs and Sale of the Offender's Goods, and the ſaid Sum, when paid or levied, ſhall be delivered to the Overſeers of the Poor for the Uſe of the Poor as aforeſaid, and for Want of ſuch Diſtreſs, ſuch Offender ſhall be ſet in the Stocks for any Time not exceeding three Hours, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted: And upon a ſecond Conviction of Drunkenneſs in like Manner as aforeſaid, every ſuch Offender ſhall, over and above the Penalty aforeſaid, be bound with two Sureties, in the Sum of Ten Pounds, with Condition for the good Behaviour, and for Want of ſuch Sureties, ſuch Offender ſhall be committed to the common Goal until he ſhall find the ſame: *Provided*, That every ſuch Offence be proved or proſecuted within Ten Days after the Offence committed.

Juſtice to regiſter Convictions.

IV. *And be it further Enacted*, That the Juſtices of the Peace ſhall regiſter all the Convictions made before them, of ſuch prophane Swearing, Curſing, or Drunkenneſs, and ſhall certify the ſame to the next Quarter Seſſions, to be kept upon Record by the Clerks of the Peace, to be ſeen without Fee.

Juſtice, if ſued, to plead the General Iſſue.

V. *And be it alſo Enacted*, That if any Action ſhall be brought againſt any Juſtice of the Peace or Officer for any Proceedings on the ſaid Offenders in Purſuance of this Act, the Defendant may plead the General Iſſue, and give the ſpecial Matter in Evidence, and if the Plantiff ſhall be Non ſuit, or a Verdict ſhall be found for the Defendant, ſuch Defendant ſhall have Treble Coſts.

Counterfeiting &c. Foreign Coin current in the Province.

15. *Geo.* 3. *Ch.* 10.

VI. *And be it further Enacted*, That every Perſon duly convicted at the Court of General Goal Delivery, or Quarter Seſſions, of counterfeiting or impairing diminiſhing or imbaſing any Foreign Coins, current in the Province, by waſhing, clipping, rounding, filing, or ſcaling of the ſame, or of uttering any counterfeited or impaired Coin, knowing the ſame to be ſo counterfeited or impaired, ſhall be ſet in the Pillory, by the Space of One whole Hour, and One of the Ears of ſuch Offender ſhall be Cut off and nailed thereto, and ſuch Offender ſhall alſo be publickly whipped through the Streets of the Town where ſuch Offence ſhall be committed, and ſhall pay all Charges of the Proſecution.

Eng. Stat. 6. & 7. *Will.* 3. *c.* 17. *Sect.* 4. Buying Clippings, &c.

VII. *And be it further Enacted*, That every Perſon convicted as aforeſaid, of buying or receiving any Clippings, Scalings, or Filings of Money, ſhall forfeit the Sum of Twenty Pounds, one Moiety thereof for the Support of His Majeſty's Government in this Province, and the other Moiety to him or them who ſhall inform and ſue for the ſame, and alſo be impriſoned for the Space of Three Months.

VIII. *And*

VIII. *And be it further Enacted*, That if any Perſon ſhall forge or counterfeit, or procure to be forged or counterfeit, or willingly aſſiſt in the forging or counterfeiting, any Deed or Writing ſealed, or laſt Will or Teſtament, or ſhall publiſh or ſhew forth in Evidence, any ſuch forged or counterfeit Deed, Writing ſealed, or laſt Will or Teſtament, as true, knowing the ſame to be falſe; or if any Perſon ſhall forge or counterfeit, or procure to be forged or counterfeited, or willingly aſſiſt in the Forging or Counterfeiting, any Bond, Writing Obligatory, Bill of Exchange, Promiſſory Note for the Payment of Money, or any indorſement or Aſſigment of any Bill of Exchange, or ſuch Promiſſory Note for Payment of Money, or any Acquitance or Receipt either for Money or Goods, or any Diſcharge of any Action, Account, Debt, Demand, or any perſonal Thing, with Intention to defraud any Perſon, or ſhall utter or publiſh as true, any forged or counterfeited Bond, Writing Obligatory, Bill of Exchange, or ſuch Promiſſory Note for the Payment of Money, or ſuch Acquittance, Receipt, or Diſcharge, with Intention to defraud any Perſon, knowing the ſame to be forged or counterfeited; every ſuch Perſon, being thereof convicted at the Court of Aſſize and General Goal Delivery, or Seſſions of the Peace, ſhall be ſet in the Pillory, and there have One of his Ears cut off, and ſhall alſo ſuffer Impriſonment for the Space of One Year without Bail or Mainprize; and the Party grieved ſhall recover his double Coſts and Damages, to be aſſeſſed in the Court where ſuch Conviction ſhall be: *Provided always, and it is hereby Enacted*, That this Act nor any Thing herein contained, ſhall not extend to charge any Judge of Probate, or any Regiſter, for any of the Offences aforeſaid, for putting their Seal of Office to any Will to be exhibited to them, not knowing the ſame to be forged or counterfeited, or for Writing of the ſaid Will or Probate of the ſame, nor to any other Perſon or Perſons that ſhall ſhew forth or give in Evidence, any falſe or forged Writing for true or good, being not Party or privy to the Forging of the ſame, not knowing the ſame to be falſe or forged.

Forgery.
Eng. Stat. 5. *Eliz.* c. 14. 2. *Stra.* 901. *Rex verſus Japhet Crooke.*

Pillory, &c.

Not to extend to Judge of Probate, &c.

IX. *And be it further Enacted*, That if any Perſon or Perſons, either by the Subornation, unlawful Procurement, ſiniſter Perſuaſion or Means of any other, or by their own Act, Conſent, or Agreement, ſhall wilfully or corruptly commit Perjury, by his, her, or their Depoſition in any Court of Record, or being examined *ad perpetuam rei memoriam*, every Perſon ſo offending, and being thereof duly convicted, ſhall forfeit Twenty Pounds, the one Moiety thereof for the Support of His Majeſty's Government, and the other Moiety to ſuch Perſon or Perſons as ſhall be grieved by Reaſon of the Offence, that ſhall ſue for the ſame by any Action of Debt, Bill, Plaint, or Information in any Court of Record; and ſhall alſo be impriſoned by the Space of Six Months without

Perjury.
Eng. Stat. 5. *Eliz.* c. 9. 2. *Stra.* 921. *Rex verſus Philips.*

Penalty £20.

and ſix Months Impriſonment.

Bail or Mainprize. And the Oath of ſuch Perſon or Perſons ſhall not be received in any Court of Record, untill ſuch Time as the Judgment given againſt the ſaid Perſon or Perſons ſhall be reverſed, and upon every ſuch Reverſal, the Parties aggrieved ſhall recover their Damages againſt ſuch Perſon or Perſons, as did procure the ſaid Judgment ſo reverſed, to be given againſt them or any of them, by his, her, or their Action upon the Caſe, according to the Courſe of the Common Law.

or Pillory.

15. *Geo.* 3. *Ch.* 10.

X. And if the ſaid Offender or Offenders ſhall not have any Goods or Chattels to the Value of Twenty Pounds, then he, ſhe or they ſhall be ſet on the Pillory, by the Space of one whole Hour, and both his Ears ſhall be cut off and nailed to the Pilory, and from thenceforth ſuch Offender ſhall be diſcredited and diſabled for ever to be ſworn in any Court of Record, until ſuch Time as the Judgment ſhall be reverſed.

Procuring Witneſſes to commit wilful Perjury. *Eng. Stat.* 5. *Eliz. c.* 9.

XI. *And be it further Enacted*, That every Perſon and Perſons who ſhall unlawfully and corruptly procure any Witneſs or Witneſſes, by Letters, Rewards, Promiſes, or by any other ſiniſter and unlawful Labour or Means whatſoever, to commit any wilful and corrupt Perjury in any Matter or Cauſe whatſoever, depending or that ſhall depend in Suit and Variance by any Writ, Action, Bill, Complaint or Information in any Court of Record, or to teſtify *in per petuam rei memoriam* : every ſuch Offender, being thereof, duly convicted, ſhall ſuffer the like Pains Penalties, Forfeitures, and Diſabilities in all Reſpects as are hereby directed for the like Offences, and the ſaid Forfeiture to be recovered and applied in Manner as aforeſaid.

Judges impowered to inquire of ſuch Offences.

XII. *And be it further Enacted*, That as well the Judges of the ſaid Courts, where ſuch Perjury ſhall be committed, as alſo the Juſtices of Aſſize and Goal Delivery, and the Juſtices of the Peace at their Quarter Seſſions, ſhall have Power to inquire of all the ſaid Offences of wilful Perjury, and Subornation of Perjury, and thereupon to give Judgment, award Proceſs and Execution of the ſame.

Authority of Judges before this Act, not to be reſtrained,

XIII. *Provided* That the Authority of any Judge, having abſolute Power to puniſh Perjury before the making this Act, ſhall not be reſtrained, but that they may proceed in the Puniſhment of the ſame, in ſuch wiſe as they might have and uſed to do, ſo that they ſet not upon ſuch Offenders, leſs Puniſhment than is before directed.

Falſe tokens. *Eng. Stat.* 33. *Hen.* 8. *c.* 1. 30. *Geo.* 2. *c.* 24.

XIV. *And be it further Enacted*, That if any Perſon or Perſons ſhall falſely and deceitfully obtain or get into his, her, or their Hands or Poſſeſſion, any money, Goods, Chattels, Jewels or other Things of

any

any other Perſon or Perſons, by Colour and Means of any privy falſe Token, or counterfeit Letter made in another Man's Name, to a ſpecial Friend or Acquaintance, for the obtaining of Money, Goods, Chattels, Jewels or other Things, and ſhall be thereof convicted in any Court of Oyer and Terminer, Court of Aſſize and General Goal Delivery, or Quarter Seſſions of the Peace, every ſuch Offender ſhall ſuffer ſuch Puniſhment by Impriſonment, ſetting upon the Pillory, publick Whipping, or hard Labour in the Houſe of Correction, as ſuch Court where the Offender ſhall be convicted, ſhall in their Diſcretion adjudge.

Pillory.

XV. 10. *Geo.* 3. *Ch.* 6. That if any Perſon or Perſons above the age of Fourteen Years ſhall be convicted by Confeſſion or by the Oath of one credible Witneſs in any of his Majeſty's Courts of Record, of making or publiſhing a Lye, Libel or Scandalous Report tending to the Defamation and Damage of any Perſon, or ſhall with Intent to abuſe and deceive others, invent or ſpread any falſe News; ſuch Offenders ſhall and may be puniſhed at the Diſcretion of ſuch Court, and any Party greived by ſuch Offences, ſhall and may have his Action for Damages aforeſaid againſt ſuch Offender or Offenders.

Manner of proceeding againſt Perſons publiſhing Libels, &c.

CAP. XVIII.

An Act relating to the Aſſize of *Bread*, and for aſcertaining the *Standard* of Weights and Meaſures.

Preamble.

WHEREAS *great Frauds are daily committed in this Province, becauſe no* Standard *for* Weights *and* Meaſures, *or* Aſſize *of* Bread, *have hitherto been eſtabliſhed*; *Be it therefore Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That all Weights and Meaſures uſed in this Province, ſhall be according to the Standard of the *Exchequer* of *England*: And that the Clerks of the Market for each Town, ſhall procure a Sett of Weights and Meaſures according to ſuch Standard, which Weights ſhall remain with them as Aſſay Weights, and ſhall be marked with the Letters G II: R:

Weights and Meaſures to be according to the Standard of England.

Clerks of the Market to procure a Sett of Weights.

II. *And be it further Enacted*, That every Inhabitant of each Town reſpectively, making Uſe of Weights and Meaſures in the Sale of any Commodity, ſhall, in One Week after publick Notice given by ſuch Clerks reſpectively, bring or cauſe to be brought, their Weights and Meaſures to be aſſayed, for each of which Aſſay he ſhall have Two Pence

Perſons ſelling by Weights and Meaſures not mark'd by the Clerk of the Market.

Pence for his Trouble and the ſaid Clerk ſhall cauſe ſuch Weights and Meaſures to be branded and ſtampt with the Initial Letter of the Town where ſuch Aſſay ſhall be made. And whoever ſhall thenceforward, ſell or vend any Commodity by Weights or Meaſures not ſo branded or marked, ſhall forfeit for every ſuch Offence Twenty Shillings, on conviction before One of His Majeſty's Juſtices of the Peace, to be levied by Warrant of Diſtreſs and Sale.

Forfeit 20s. Conviction before One Juſtice.

III. That the ſaid Clerks ſhall and are hereby impowered to inſpect all Weights and Meaſures, and once in Three Months, or oftner viſit every Inhabitant ſelling publickly by Weights and Meaſures, and ſhall have full Power and Authority to ſeize all ſuch, not ſtampt or branded as aforeſaid, and may aſſay and mark and diſpoſe of the ſame for their Uſe, as a Satisfaction for their Trouble therein; and if any Perſon ſhall be convicted of Selling by Weights and Meaſures leſs than the Standard hereby eſtabliſhed, he ſhall forfeit the Sum of Ten Pounds, to be recovered by Bill, Plaint, or Information, in any Court of Record.

Clerks of the Market to inſpect Weights and Meaſures once in three Months.

Selling by Weights and Meaſures leſs than the Standard, Penalty £10.

IV. That every Baker within this Province, ſhall and is hereby required to mark his Bread with the firſt Letter of his Chriſtian and Sirname, and, upon Failure thereof, the ſame ſhall be ſeized, and forfeited to the uſe of the Poor of the Town, where ſuch Offence is committed.

Bakers to mark their Bread with the firſt Letters of their Names.

Bread not marked to be forfeited.

V. *Provided*, That Perſons thinking themſelves aggrieved by ſuch Seizure may within Twelve Hours after ſuch Seizure made, apply for Redreſs to any one of his Majeſty's Juſtices of the Peace, who is impowered to hear and determine the ſame.

Appeal to a Juſtice within 12 Hours.

VI. That if any Perſon making Uſe of Weights and Meaſures, or ſelling Bread, ſhall refuſe Admittance to any of the ſaid Clerks in the Diſcharge of their Duty, he ſhall for every Offence forfeit the Sum of Twenty Shillings, to be recovered before any one Juſtice of the Peace.

Refuſing Admittance to Clerks. Penalty 20s.

VII. 33. *Geo.* 2 *Ch.* 6. Sect. 1. *It is Enacted*, That no Proviſion or Goods of any Kind ſhall be ſold within the Province by Steelyards (except the Article of Hay) under the Penalty of Twenty Shillings, to be recovered againſt the Seller before one Juſtice of the Peace.

No Proviſions or Goods of any Kind (except Hay) to be ſold by Steelyards, on Penalty of 20s.

VIII. Sect. 11. The Clerks of the Market are hereby impowered to inſpect all Beams and Scales, and alſo Steelyards uſed for Weighing Hay, and alſo Weights and Meaſures once in three Months at leaſt, not only thoſe uſed by the Inhabitants ſelling publickly, but alſo thoſe uſed on Board any Ships or Veſſels lying at Wharves or at Anchor in the Harbour, and the ſame to Aſſay, Stamp, and diſpoſe

Clerks of the Market to inſpect Scales, Weights, &c. once in three Months and to aſſay and ſtamp the ſame.

diſpoſe of as before directed, the Maſters of Ships or Veſſels refuſing Admittance of the ſaid Clerks, ſhall be liable to the ſame Penalties as any Inhabitant in the like Caſe.

Clerks of the Market to viſit the Bake Houſes, &c. once every Week,

IX. 6. *Geo.* 3. *Ch.* 5. The Clerks of the Market in the ſeveral Towns in the Province ſhall viſit the Bake Houſes, and the Houſes of all and every Perſon ſelling Bread, at leaſt one Day in every Week, and ſhall make a Report of their Proceedings in Virtue of this, or any former Act once a Month to ſome of His Majeſty's Juſtices of the Peace within their Diſtrict, who ſhall certify the ſame at the next *General Seſſions of the Peace*, and if it ſhall appear that the ſaid Clerks have neglected their Duty herein, the ſaid Juſtices ſhall and may fine the ſaid Clerks in a Sum not exceeding *Forty Shillings*.

on Penalty of 40s.

Bakers to make white Bread of the Flour of Wheat only

and not of damaged Flour,

on Penalty of £10.

X. Sec. 2. That every Baker *or Seller of Bread*, ſhall make his Bread, commonly called white Bread of the Flour of wheat only, and if he ſhall make uſe of or Mix with the ſaid Bread the Flour or Meal of any other Kind of Grain, or any other ingredient whatever, or ſhall make uſe of or mix in the ſaid Bread any decayed or damaged Flour, and be duly convicted thereof, he ſhall pay a fine not exceeding *Ten Pounds*, and be further corporally puniſhed as in Caſes of Fraud at Diſcretion of the Court before which he ſhall be convicted.

Brown Bread may be mixed with Rye or Indian Meal.

XI. Sec. 3. *Provided* nothing in this Act ſhall extend to hinder any Baker, or other Perſon from making brown Bread mixed with Rye or Indian Meal, that is not damaged and ſell the ſame as ſuch.

All Fines and Forfeitures to be one half to the Informer, and the other half to the Uſe of Poor.

XII. 7. *Geo.* 3. *Ch.* 4. That for the future all Fines and Forfeitures incurred on the foregoing Acts ſhall be applied one half to the Clerks of the Market or Informer, and the other Half to the Poor of the Town, where the offence ſhall be committed.

XIII. 16. *Geo.* 3. *Ch.* 3. *It is Enacted*, That the following table ſhall be the Rule for making the Aſſize of Bread made for Sale, when the price of good ſound inſpected Wheaten fine Flour ſhall be as hereunder mentioned, *That is to ſay*.

Table for making the Aſſize of Bread when Flour from 18s. to 28s. per Ct. Weight.

When ſuch Flour ſhall be from Eighteen to Nineteen Shillings the One Hundred and Twelve Pounds, the *Sixpenny* Loaf ſhall weigh. - - -	2*lb.*	8*oz.*
When *from* Nineteen Shillings to Twenty Shillings, incluſive, - - -	2	6
When *from* Twenty Shillings to Twenty One Shillings, incluſive, - - -	2	5

When *from* Twenty One Shillings to Twenty Two Shillings, inclusive,	2	3
When *from* Twenty Two Shillings to Twenty Three Shillings, inclusive,	2	2
When *from* Twenty Three Shillings to Twenty Four Shillings, inclusive,	2	0
When *from* Twenty Four Shillings to Twenty Five Shillings, inclusive,	1	15
When *from* Twenty Five Shillings to Twenty Six Shillings, inclusive,	1	13
When *from* Twenty Six Shillings to Twenty Seven Shillings, inclusive,	1	12
When *from* Twenty Seven Shillings to Twenty Eight Shillings, inclusive,	1	10

Clerks of Market to examine all Bread made for Sale and ſeize all Bread under weight.

XIV. Sec. 4. That the Clerks of the Markett ſhall examine all Bread made for Sale, and ſhall ſeize all ſuch as ſhall be found under Weight, preſcribed under the Penalty of Forty Shillings for every Neglect, and the Baker of ſuch Bread ſo found under Weight ſhall forfeit and pay for every Offence the Sum of Forty Shillings, ſaid Fines and Penalties to be levied by Warrant of Diſtreſs and Sale by one Juſtice of the Peace, three Fourths to be for the Uſe of the Poor and the other Fourth Part to the Seizer or Proſecutor.

Whenever the price of Flour ſhall exceed 28s. there ſhall be 11b. bread for 1lb Flour, Juſtices at quarter Seſſions or ſpecial ſeſſions ſhall ſettle the current price of Flour and regulate the aſſize of bread. If any Baker ſhall offend he ſhall be ſubject to the penalties by Law eſtabliſhed.

XV. 19. Geo. 3. Ch. 9. That whenever the Price of Flour ſhall exceed Twenty Eight Shillings for 112 Lb. of Flour, the Aſſize of Bread ſhall be one pound of Bread for one pound of Flour, and the juſtices in their Quarter Seſſions, or if need be, at *a Special Seſſions of the Peace* to be called for the Purpoſe, ſhall from Time to Time ſettle the current Price of Flour, and regulate the Aſſize of Bread accordingly, and if any Baker ſhall offend againſt any of the Rates and Orders ſo made by the Seſſions aforeſaid, he ſhall be ſubject and liable to all the Pains and Penalties eſtabliſhed as above mentioned.

Magiſtrates failing to hear and determine complaint to forfeit £10.

XVI. Sec. 2. That on Complaint of any of the Inhabitants reſpecting the Offences aforeſaid to any of his Majeſty's Juſtices of the Peace, he or they ſhall, and are hereby obliged to hear and determine the merits of ſaid Complaint where the ſame is cognizable by them under the Penalty of Ten Pounds, to be levied by Warrant of Diſtreſs for the Uſe of the Poor.

CAP. XIX.

An ACT declaring what ſhall be deemed a *Publication of the Province Laws.*

11. *Geo.* 3. *Ch.* 2.

BE it *Enacted by the Governor, Council and Aſſembly*, That for the Future, Notice being given in the *Nova Scotia* Gazette, or other publick News Paper, or by affixing ſuch Notice on the Church Door at Halifax, that any Law of the Province was paſſed in *General Aſſembly*, inſerting the Title thereof, ſhall be deemed and is hereby made a full and proper Publication of ſuch Law, any Thing in the above-recited Act to the contrary notwithſtanding.

Notice given in the *Nova-Scotia* Gazette or other News Paper, or affixing on Church Door the Title.

To be deemed a Publication.

CAP. XX.

An ACT for preventing Perſons leaving the Province without a Paſs.

Preamble.

WHEREAS *Injuſtice may be done to Creditors by Perſons in their Debt privately leaving the Province, and great Inconveniences have likewiſe ariſen, from Seamen in the Royal Navy and Soldiers being ſecretly conveyed away: For Preventing Whereof, Be it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That all and every Perſon or Perſons intending to Leave this Province, ſhall put up their Names publickly at the Secretary's Office, for the Space of Seven Days, before they ſhall obtain any Paſs, with the Day and Year when they put up their Names, and in Caſe ſaid Perſon or Perſons are not, within ſaid Seven Days, underwrote in Manner as has been uſual, that then and in ſuch Caſe, it ſhall and may be lawful for the Secretary or his Deputy, and they are hereby required, to grant ſaid Perſon a Paſs, for which he ſhall receive One Shilling only. And in Caſe ſaid Secretary or his Deputy ſhall refuſe a Paſs to any Perſon or Perſons that have complied with the Rules preſcribed by this Act, he or they ſhall forfeit the Sum of Fifty Pounds, to be recovered by Bill, Plaint or Information in any of His Majeſty's Courts of Record in this Province, and for the Uſe of the Perſon grieved.

Perſons intending to leave the Province, to put up their Names at the Secretary's Office, 7 Days before they ſhall have a Paſs,

Secretary refuſing a Paſs, forfeits £50.

II. *And be it further Enacted*, That the Paſs for Perſons leaving this Province ſhall be in the following Words;

"*Province*

Form of the Paſs.

" *Province of*
" *Nova Scotia* { *PERMIT* *to depart*
" *this Province in the* *Maſter,*
" *bound for* *he or they*
" *having complied with the Act of this Province for*
" *Dated*

Perſons underwriting another to file an Affidavit of the Debt due,

III. *And be it further Enacted*, That whoſoever ſhall underwrite any Perſon or Perſons, ſo having their Names ſet up as aforeſaid, ſhall produce at the Secretary's Office an Affidavit made before One of His Majeſty's Juſtices of the Peace, which Affidavit ſhall remain in the ſaid Office, ſetting forth the Cauſe in Writing, if a Debt, the Sum or Sums of Money that is due or owing to him or them, to be aſcertained as near as they poſſibly can, and by what Means it doth ariſe, whether by Bill, Bond, Judgment, Promiſe, Covenant, or Account. And when any Perſon ſo ſetting up their Names in the Secretary's Office as aforeſaid, ſhall be underwrote by any Perſon in Manner aforeſaid, that then and in ſuch Caſe, it ſhall be lawful for the Secretary or his Deputy, to take good and ſufficient Security from the Perſon or Perſons ſo underwritten, for the Sum or Sums that he or ſhe is underwrote for; which Security ſhall be in the following Words:

for which Sum Security is to be taken by the Secretary.

Form of the Bond.

" *KNOW all Men by theſe Preſents, That We*
and *of* Halifax, *are firmly bound unto*
" *in the Sum of* *to the true Payment of which,*
" *We bind ourſelves, our Heirs and Aſſigns firmly by theſe Preſents.*
" *Witneſs our Hands and Seals this* *Day of*

" *THE Condition of the above Obligation is ſuch, That whereas*
the above bound *is underwrote by* *of*
" Halifax *aforeſaid, for the Sum of* *Now if the ſaid*
" *or* *they, their Heirs or Aſſigns will pay*
" *or cauſe to be paid to ſaid* *the ſaid Sum of*
" *or ſuch Sum as ſhall legally, upon Trial, appear to be due to ſaid*
" *then the above Obligation to be void, other-*
" *wiſe to remain in full Force and Virtue.*"

Secretary's Fee.

For taking of which Bond the Secretary ſhall receive Two Shillings and Six Pence only.

Actions to be brought at the next Inferior Court.

IV. *Provided always*, and it is the full Intention and Meaning of this Act, That the Perſons ſo underwriting, file their Actions in the next Inferior Court, after Security be given for their Debts then due, otherwiſe the ſame being pleaded, ſhall be a ſufficient Bar to their Action or Actions.

V. *And*

Perſons underwrote to have their Paſs, on giving Security.

V. *And be it further Enacted*, That any Perſon or Perſons that have been underwrote as aforeſaid, upon their giving Security as before directed, are hereby intitled to receive their Paſs, in like Manner as if they had not been underwrote. And the Secretary or his Deputy are hereby impowered to deliver the ſaid Bond ſo taken as aforeſaid, to the Perſon or Perſons that underwrote the Perſon ſo going away. And ſaid Bond ſhall be good and valid againſt the Security for the Recovery of ſuch Sum or Sums as the Perſon or Perſons, to whom the ſaid Bond is delivered, can make appear, upon Trial, was really due to him by the Perſon he underwrote, with the Coſts thereon.

Bonds to be delivered to Creditors.

Security to be given for Payment of all Debts, by Perſons intending to leave the Province before the 7 Days are expired.

VI. *And be it further Enacted*, That in Caſe any Perſon intending to leave the Province before the Seven Days are expired, after Setting up his or her Name, may obtain their Paſs from the Secretary or his Deputy, by giving ſufficient Security and Entering into Bond as aforeſaid that ſaid Security will pay all the Debts ſaid Perſon going away has contracted in the Province; which Bond ſhall be good and valid againſt ſaid Security.

Paſſes to be granted at the Out Ports, by Commanding Officer, &c.

VII. *And it is hereby further Enacted*, That in the Out Ports of this Province, Paſſes may be obtained from the Commanding Officer for the Time being, or from any other Perſon, whom the Governor or Commander in Chief ſhall appoint for that Purpoſe, who are hereby impowered to grant the ſame, in Manner as preſcribed by this Act.

Not to extend to Military Perſons.

VIII. *Provided always*, That nothing in this Act ſhall be conſtrued to extend to the Reſtraining any Military Perſon or Perſons from immediately departing the Province, with a ſpecial Permiſſion under the Hand of the Commander in Chief of the Troops.

Perſons groundleſsly underwriting, liable to an Action.

IX. *And be it further Enacted by the Authority aforeſaid*, That if upon Trial, it ſhall appear that the Cauſe for underwriting any Perſon or Perſons, ſetting up their Names in the Secretary's Office to depart this Province, be vexatious and groundleſs, that then and in ſuch Caſe, the Perſon ſo underwriting ſhall be liable to an Action of Damages, to be recovered as aforeſaid.

Maſters of Veſſels carrying any Perſon from Halifax without a Paſs.

X. *And be it further Enacted*, That no Maſter of any Ship or Veſſel, going from the Port of *Halifax*, ſhall carry away any Perſon whatſoever, without a Paſs ſigned by the Secretary of this Province or his Deputy, (except the Crew or Seamen brought with him in ſuch Veſſel, at his laſt Arrival) nor ſhall leave the ſaid Harbour without Permiſſion in Writing from His Excellency the Governor, Lieutenant Governor, or Commander in Chief for the Time being of this His Majeſty's Province; And the Maſter of any Ship or Veſſel offending contrary to the Tenor of this Act, ſhall forfeit the Sum of Fifty Pounds, to the Uſe

forfeit £ 50. and liable to all Damages.

of this Government, and be liable to pay all Damages, to be recovered by Bill, Plaint, or Information in any of His Majesty's Courts of Record in this Province, to be levied by Sale of the Offender's Goods and Chattels, by Warrant under the Seal of said Court, and for want of such Goods and Chattels, the Person convicted to be committed to some of His Majesty's Goals for the Space of Six Months.

extended throughout the Province.

XI. 6. *Geo.* 3. *Ch.* 4. That the said Act and every Clause and Article therein contained, be construed to extend and shall extend to the whole Province, and that all Passes shall be given out either by the Secretary of the Province, or by such Persons as he has or shall depute for that Purpose.

CAP. XXI.

An ACT for *Limitation* of *Actions*, and for avoiding Suits of Law.

Eng. Stat. 21. *Ja.* 1. *c.* 16.

BE it *Enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby Enacted*, That all Actions or Suits, either in Law or Equity, at any Time hereafter to be sued or brought, of or for any Lands, Tenements or Hereditaments, within this Province, whereunto any Person or Persons now hath or have any Title, or Cause to have or pursue any such Actions or Suits, shall be sued and taken within Twenty Years next after the End of this present Session of the *General Assembly*; and after the said Twenty Years expired, no Person or Persons, or any of their Heirs, shall have or maintain any such Action or Suit, of or for any of the said Lands, Tenements, or other Hereditaments; and that all Actions or suits, either in Law or Equity, of or for any lands, Tenements, or other Hereditments whatsoever, at any Time hereafter to be sued or brought by Occasion or Means of any Title or Cause hereafter happening, shall be sued and be taken within Twenty Years, next after the Title and Cause of Action first descended or fallen, and at no Time after the said Twenty Years, and that no Person or Persons that now hath any Right or Title of Entry into any Lands, Tenements, or Hereditaments, now held from him or them, shall thereunto enter, but within Twenty Years next after the End of this present Session of the *General Assembly*, or within Twenty Years next after any other Title of Entry accrued.

Actions for the Recovery of Lands, &c. to be brought within 20 Years.

2. *Salk.* 421, 422, 423.

Persons not entering within 20 Years, excluded.

II. *And* that no Person or Persons shall at any Time hereafter, make any Entry into any Lands, Tenements, or Hereditaments, but within Twenty Years next after his or their Right or Title, which shall hereafter first descend or accrue to the same, and in Default thereof, such Person so not entering, and their Heirs, shall be utterly excluded and disabled from such Entry after to be made.

III. *Provided*

Saving for Minors, &c. * 1 *Lev.* 31. 2. *Sand.* 121. *Abr. Eq.* 304. † *Cro.* 245. 333. 1. *Lev.* 143. 2. *Salk.* 420. *Eng. Stat.* 24. *& 5. Ann. c.* 16.

III. *Provided nevertheleſs*, That if any Perſon or Perſons that is or ſhall be intitled to ſuch Actions or Suits, or that hath or ſhall have ſuch Right or Title of Entry, be, or ſhall be at the Time of the ſaid Right or Title firſt deſcended, accrued, come or fallen, within the Age of Twenty One Years, * Feme Covert, Non Compos Mentis, impriſoned, or beyond the Seas †, that then ſuch Perſon and Perſons, and his or their Heirs, ſhall or may, notwithſtanding the ſaid Twenty Years be expired, bring his Action or Suit, or make his Entry, as he might have done before this Act; ſo as ſuch Perſon and Perſons, or his or their Heirs, ſhall, within Ten Years next after his and their full Age, Diſcoverture, coming of ſound Mind, Enlargement out of Priſon, or coming into this Province, or Death, take Benefit of, and ſue for the ſame, and at no Time after the ſaid Ten Years.

Actions of Treſpaſs &c. to be commenced within Three Years, after the End of of this Seſſion, or Six Years after the Cauſe of ſuch Action,

IV. *And be it further Enacted*, That all Actions of Treſpaſs *quare Clauſum fregit*, all Actions of Treſpaſs, Detinue, Action of Trover, and Replevin for taking away of Goods and Chattels, all Actions of Account and upon the Caſe, (other than ſuch Accounts as concern the Trade of Merchandize, between Merchant and Merchant, their Factors and Servants) all Actions of Debt, grounded upon any Lending or Contract without Specialty; all Actions of Debt for Arrearages of Rent, and all Actions of Aſſault, Menace, Battery. Wounding, and Impriſonment, or any of them which ſhall be ſued or brought, at any Time after the End of this preſent Seſſion of *General Aſſembly*, ſhall be commenced and ſued, within the Time and Limitation hereafter expreſſed, and not after; (*that is to ſay*) The ſaid Actions upon the Caſe (other than for Slander,) and the ſaid Actions for Account, and the ſaid Actions for Treſpaſs, Debt, Detinue, and Replevin for Goods or Cattle, and the ſaid Action of Treſpaſs *Quare Clauſum fregit*, within Three Years next after the End of this preſent Seſſion of *General Aſſembly*, or within Six Years next after the Cauſe of ſuch Action or Suits, and not after: And the ſaid Actions of Treſpaſs, of Aſſault, Battery, Wounding, Impriſonment, or any of them, within Six Months next after the End of the preſent Seſſion of *General Aſſembly*, or within One Year next after the Cauſe of ſuch Actions or Suit, and not after; and the ſaid Action upon the Caſe for Words, within Three Months after the End of the preſent Seſſion of *General Aſſembly*, or within Six Months next after the Words ſpoken, and not after.

Battery, &c. within Six Months, &c.

Words within Three Months, &c.

Any of ſaid Actions, being reverſed by Error or in Arreſt of Judgment, may be commenced *de novo* within One Year.

V. *And be it further Enacted*, That if in any of the ſaid Actions or Suits, Judgment be given for the Plaintiff, and the ſame be reverſed by Error, or a Verdict paſs for the Plaintiff, and upon Matter alledged in Arreſt of Judgment, the Judgment be given againſt the Plaintiff, that he take nothing by his Plaint, Writ, or Bill; or if any the ſaid Actions ſhall be brought by Original, and the Defendant therein be outlawed, and ſhall after reverſe the Outlawry; that in all ſuch

ſuch Caſes the Party Plaintiff, his Heirs, Executors, or Adminiſtrators, as the Caſe may require, may commence a new Action or Suit from Time to Time, within One Year after ſuch Judgment reverſed, or ſuch Judgment given againſt the Plaintiff, or Outlawry reverſed, and not after.

In Actions of *Treſpaſs quare Clauſum fregit*, Defendant may plead a Diſclaimer, &c.

VI. *And be it further Enacted*, That in all Actions of Treſpaſs *quare Clauſum fregit*, hereafter to be brought, wherein the Defendant or Defendants ſhall diſclaim, in his or their Plea, to make any Title or Claim to the Land in which the Treſpaſs is, by the Declaration, ſuppoſed to be done, and the Treſpaſs be by Negligence or involuntary, the Defendant or Defendants ſhall be admitted to plead a Diſclaimer, and that the Treſpaſs was by Negligence or involuntary, and a Tender or Offer of ſufficient Amends for ſuch Treſpaſs before the Action brought, whereupon, or upon ſome of them, the Plaintiff or Plaintiffs ſhall be enforced to join Iſſue, and if the ſaid Iſſue be found for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall be non ſuited, the Plaintiff or Plaintiffs ſhall be clo[illegible]urred from the ſaid Action or Actions, and all other Suits concerning the ſame.

In Actions of Treſpaſs, &c. no more Coſts than Damages to be given,

VII. *And be it further Enacted*, That in all Actions of Treſpaſs, Actions for Aſſault and Battery, and all Actions for ſlanderous Words, to be ſued or proſecuted by any Perſon or Perſons, after the End of this preſent Seſſion of the *General Aſſembly*, if the Jury, upon the Trial of the Iſſue in ſuch Action, or the Jury that ſhall enquire of the Damages, do find or aſſeſs the Damages under Forty Shillings, then the Plaintiff or Plaintiffs in ſuch Action, ſhall have and recover only ſo much Coſts as the Damages ſo given or aſſeſſed, amount unto, without any further Increaſe of the ſame: And if more Coſts in any ſuch Action be awarded, the Judgment ſhall be void, and the Defendant acquitted from the ſame. *Provided*, That if the Judge at the Trial of any Action of Aſſault and Battery, or Action of Treſpaſs, ſhall certify under his Hand upon the Back of the Record, that the Aſſault was ſufficiently proved, or that the Freehold and Title of the Land, mentioned in the Plaintiff's Declaration, was chiefly in Queſtion, or that the Treſpaſs was voluntary and malicious, the Plaintiff, in ſuch Caſe, ſhall recover his full Coſts, though the Jury ſhould find Damages to be under Forty Shillings.

unleſs the Judge certify, &c.

Actions of Treſpaſs &c. accruing to Minors, may be brought after their coming to full Age,

VIII. *Provided nevertheleſs*, That if any Perſon or Perſons that is or ſhall be intitled to any ſuch Action of Treſpaſs, Detinue, Action of Trover, Replevin, Actions of Account, Actions of Debt, Actions of Treſpaſs for Aſſault, Menace, Battery, Wounding or Impriſonment, Actions upon the Caſe for Words, be or ſhall be at the Time of any ſuch Cauſe of Action given or accrued, fallen or come within the Age of

of Twenty One Years, Feme Covert, Non Compos Mentis, impriſoned or beyond the Seas; That then ſuch Perſon or Perſons ſhall be at Liberty to bring the ſame Actions, ſo as they take the ſame within ſuch Times as are before limited, after their coming to, or being of full Age, Diſcovert, of ſane Memory, at large, and returned from beyond the Seas, as by other Perſons having no ſuch Impediments ſhould be done.

Actions of Treſpaſs, &c. may be brought againſt Perſons beyond the Seas after their Return.

IX. *And be it further Enacted*, That if any Perſon or Perſons, againſt whom there is or ſhall be any Cauſe of Suit or Action of Treſpaſs, Detinue, Actions of Trover or Replevin, for taking away any Goods or Cattle, or of Action of Account, or upon the Caſe, or of Debt, grounded upon any Lending or Contract without Specialty, of Debt for Arrearages of Rent, or Aſſault, Menace, Battery, Wounding, and Impriſonment, or any of them, be or ſhall be, at the Time of any ſuch Cauſe of Suit or Action given or accrued, fallen or become, beyond the Seas, that then ſuch Perſon or Perſons who is or ſhall be intitled to any ſuch Suit or Action, ſhall be at Liberty to bring the ſaid Actions againſt ſuch Perſon and Perſons, after their Return from beyond the Seas, ſo as they take the ſame after their Return from Beyond the Seas, within ſuch Times as are reſpectively limited for the bringing of the ſame by this Act.

CAP. XXII.

An Act to prevent unneceſſary Firing off *Guns*, and other *Fire Arms*, in the Town and Suburbs of *Halifax*.

Perſons firing any Guns, &c. in the Town of Halifax, forfeit 10s.

Maliciouſly ſhooting at any Perſon in any Dwelling Houſe, &c. is by Prov. Act, 32 Geo. 2. c. 13. Sect. 21. Felony with Clergy.

BE it *Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That if any Perſon or Perſons, of what Age or Degree ſoever, from and after the Publication of this Act, ſhall unneceſſarily fire out of any Gun, Fuſee, Muſket, Piſtol, or other Fire Arm, in any of the Houſes, Streets, Lanes, Wharves, Yards, or Gardens in the Town or Suburbs of *Halifax*, every Perſon ſo offending, upon Conviction thereof, upon the Oath of One or more credible Witneſs, before any one of His Majeſty's Juſtices of the Peace, ſhall forfeit the Sum of Ten Shillings, to be levied by Warrant of Diſtreſs from ſuch Juſtice, on the Offender's Goods and Chattels, and for Want of Goods or Chattels, ſuch Offender ſhall be committed to Goal for the Space of Twenty Four Hours.

II. *Provided* that no Proſecution for Breach of this Act ſhall be admitted

Proſecution in Twelve hours.

mitted, unleſs Complaint be made thereof within Twelve Hours, at leaſt, after the Offence committed.

One half to the Proſecutor, the other to the Government.

III. All forfeitures ariſing by Virtue of this Act, ſhall be One half to him or her who will proſecute for the ſame, and the other to the Uſe of this His Majeſty's Government.

Penalty on Perſons under fourteen Years of Age firing out of any Gun, &c.

or any Perſon firing within one hundred Yards of another, either on Horſeback or in a Carriage within the Peninſula of *Halifax*.

IV. 9. *Geo.* 3. *Ch.* 3. "That from and after the Publication of "this Act, if any Child under fourteen Years of Age ſhall fire out of "any Gun, Fuſee or Piſtol; or if any Perſon of what Age or Degree "ſoever, ſhall unneceſſarily fire out of any Gun, Fuſee or Piſtol, or "other Fire Arm, within one hundred Yards of any Perſon, either "on Horſeback or in any Carriage within the Peninſula of *Halifax*; "ſuch Child or Perſon, their Parents, Guardians, or Maſters, ſhall "forfeit the like Sum as is inflicted by the aforeſaid Act; and to be "recovered, levied, and applied in like manner as is therein provided.

CAP. XXIII.

An ACT directing the *Guardianſhip* of *Minors*.

Eng. Stat. 12. *Car.* 2. *c.* 24. Father, at his Death, may diſpoſe of the Cuſtody of his Children, being Minors.

BE it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted, That from and after the Publication hereof, where any Perſon ſhall have Children under the Age of Twenty One Years, and not married at the Time of his Death, it ſhall be lawful for the Father of ſuch Children, whether born at the Time of the Deceaſe of the Father, or at that Time *en Ventre ſa mere*, or whether ſuch Father be within the Age of Twenty One Years, or of full Age, by Deed executed, or by his laſt Will and Teſtament in Writing in the Preſence of two credible Witneſſes, to diſpoſe of the Cuſtody and Tuition of ſuch Children, for ſuch Time as they ſhall reſpectively remain under the Age of Twenty One Years or any leſſer Time, to any Perſons in Poſſeſſion or Remainder, other than Perſons not Proteſtants: And ſuch Diſpoſition of the Cuſtody of ſuch Children ſhall be good, againſt all Perſons claiming the Cuſtody and Tuition of ſuch Children; and ſuch Perſon, to whom the Cuſtody of ſuch Children ſhall be diſpoſed or deviſed, may maintain an Action of Raviſhment of Ward, or Treſpaſs, againſt any Perſon who ſhall wrongfully take away or detain ſuch Child, and ſhall recover Damages in the ſaid Action, for the Uſe of ſuch Children.

to any Perſons other than Perſons not Proteſtants,

Who may have Action againſt perſons wrongfully detaining them.

Guardians may take Poſſeſſion of Lands &c. for the uſe of ſuch Minors.

II. *And be it further Enacted*, That any Perſons, to whom the Cuſtody of ſuch Children ſhall be ſo diſpoſed or deviſed, may take into their Cuſtody, to the Uſe of ſuch Children, the Profits of all Lands, Tenements

Tenements, or Hereditaments, and alſo the Management of the Goods and Perſonal Eſtate of ſuch Children, till their reſpective Age of Twenty One Years, or any leſſer Time, according to ſuch Diſpoſition, and may bring ſuch Actions in Relation thereto, as ſuch Children themſelves might do if arrived at full Age.

The Governor to diſpoſe of the Cuſtody of Children of Perſons dying not Proteſtants.

III. *And be it further Enacted*, That whenſoever any Perſon, not being a Proteſtant, ſhall die ſeized of any ſuch Eſtate in Lands, Tenements, or Hereditaments, for which his Heirs ſhould be in Ward, his Heirs being under the Age of Twenty One Years at the Time of the Death of his Anceſtor, it ſhall be lawful for the Governor, Lieutenant Governor, or Commander in Chief of the Province for the Time being, after due Proof to him of the Death of ſuch Perſon not being a Proteſtant, and of his Heir being ſo under Age, to diſpoſe of the Cuſtody and Tuition of ſuch Heirs, for ſuch Time as they ſhall remain under the Age of Twenty One Years, or any leſſer Time, to any Perſons next of Kin to the Heir, being a Proteſtant, if they ſhall apply for the ſame; or in Default thereof to any other Perſon being a Proteſtant as aforeſaid.

The Governor, &c. to allow of Guardians choſen by Minors, &c.

2 *Inſt.* 14. 4. *Co.* 126. *Beverley's Caſe. Staundford's Prerog.* 37.

IV. *And be it further Enacted*, That the Governor, Lieutenant Governor, or Commander in Chief for the Time being, when and ſo often as there ſhall be Occaſion, be and is hereby impowered to allow of Guardians, that ſhall be choſen by Minors of the Age of Fourteen Years, and to appoint Guardians for ſuch as ſhall be within that Age, taking ſufficient Securities of all ſuch Guardians, for the faithfull Diſcharge of the Truſt, as hereinafter directed, and to account either to the Governor, Lieutenant Governor, or Command or in Chief, or Minor, when ſuch Minor ſhall arrive at full Age, or at ſuch other Time as the ſaid Governor, Lieutenant Governor, or Commander in Chief, upon Complaint to him made, ſhall ſee Cauſe.

Guardians to enter into Recognizance with Sureties, for educating Minors in the Proteſtant Religion, &c.

V. *And be it further Enacted*, That all ſuch Perſons to whom the Tuition and Cuſtody of ſuch Heirs ſhall be committed, ſhall firſt enter into Recognizance, to the Uſe of the ſaid Heir, with good Sureties, before the ſaid Governor, Lieutenant Governor, or Commander in Chief, with Condition for the Educating the ſaid Heirs in the Proteſtant Religion, and for the Management and Diſpoſal of the Eſtates of ſuch Heirs, to their Uſe and beſt Advantage, and for the rendering a juſt Account of the Profits of ſuch Eſtates to the ſaid Governor, Lieutenant Governor, or Commander in Chief, when thereto required, or to ſuch Heirs when they ſhall come of full Age, and for the not committing any Waſte thereupon: And ſuch Diſpoſition of the Cuſtody of ſuch Heirs ſhall be good againſt all Perſons claiming the Cuſtody or Tuition of ſuch Heirs; and ſuch Perſons to whom the Cuſtody of ſuch Heirs ſhall be diſpoſed as aforeſaid, may maintain an Action of Raviſhment

viſhment of Ward or Treſpaſs, againſt any Perſons who ſhall wrongfully take away or detain ſuch Heirs, for the Recovery of ſuch Heirs, and ſhall recover Damages in the ſaid Action, for the Uſe of ſuch Heirs.

and may take into their Cuſtody the Profits of all Lands, &c. of ſuch Minors.

VI. *And be it further Enacted*, That ſuch Perſon, to whom the Cuſtody of ſuch Heirs ſhall be ſo diſpoſed, may take into their Cuſtody, to the Uſe of ſuch Heirs, the Profits of all Lands, or Tenements, and alſo the Management of the Goods and Perſonal Eſtate of ſuch Heirs, till their reſpective Age of Twenty One Years, or any leſſer Time, according to ſuch Diſpoſition, and may bring ſuch Actions in Relation thereunto as ſuch Heirs might do, if arrived at full Age.

If the Guardian die before he hath accounted for ſuch Profits, his Heirs &c. liable to account with the Heir.

VII. *And be it further Enacted*, That if ſuch Perſon to whom ſuch Grant ſhall be made of the Cuſtody of ſuch Children, ſhall die before he hath yielded an Account unto the ſaid Heirs, of the Profits of ſuch Lands or Tenements, and the Management of ſuch Goods and Chattels, deducting all neceſſary and juſt Charges, the Heirs, Executors, or Adminiſtrators of ſuch Guardian, ſhall be liable, and yield a full Account unto the ſaid Heir, his Executors and Adminiſtrators, of ſuch Profits, Goods, and Chattels, Real and Perſonal, ſo received by the Guardian, for the Benefit of the ſaid Heirs, deducting all neceſſary and juſt Charges as aforeſaid, ſo far as they ſhall have Aſſets from the ſaid Guardian, or in his Right at the Time of Demand of Satisfaction for the ſame; and if the ſaid Children ſhall die before they ſhall attain to their Age of Twenty One Years, it ſhall be lawful for the Executors or Adminiſtrators of ſuch Children to call the Perſons ſo truſted for the Benefit of them, and the Heirs, Executors, or Adminiſtrators, to an Account for the ſame.

This Act not to extend to diſcharge Apprentices, &c.

VIII. *Provided always*, That this Act ſhall not extend to diſcharge any Apprentice from his Apprenticeſhip, or ſuch poor Children, as may hereafter be bound out by the Overſeers of the Poor, or ſuch Children as may hereafter be found proper Objects of their Care, as is provided for by Law.

Proviſion for Poſthumous Children.

IX. *And forasmuch as it often happens, that Children are not born till after the Death of their Fathers, and alſo have no Proviſion made for them in their Wills, Be it therefore further Enacted by the Authority aforeſaid*, That as often as any Child ſhall happen to be born after the Death of the Father, without having any Proviſion made in his Will, every ſuch Poſthumous Child ſhall have Right and Intereſt in the Eſtate of his or her Father in like Manner as if he had died Inteſtate, and the ſame ſhall accordingly be aſſigned and ſet out as the Law directs for the Diſtribution of the Eſtates of the Inteſtates.

CAP. XXIV.

CAP. XXIV.

An ACT for confirming the paſt Proceedings of the Courts of Judicature.

BE it *Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That all Rules and Orders, Proceedings, Pleadings, Sentences, Verdicts and Judgments, in the *Supreme Court*, *Court of Aſſize*, and *General Goal Delivery*, *Courts* of *Common Pleas*, and Courts of *General Seſſions* of the Peace, and all Executions awarded thereon, prior to this Act, ſhall be, and are hereby ratified and confirmed. And all Proceedings and Judgments heretofore had and made, before any Two Juſtices, or One Juſtice, are hereby ratified and confirmed.

Former Proceedings confirmed.

At the GENERAL ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at *Halifax*, on the *Second* Day of *October*, *Anno Domini* 1758, and in the *Thirty Second Year* of the Reign of Our Sovereign Lord GEORGE the Second, of *Great-Britain*, *France* and, *Ireland*, KING, Defender of the Faith, &c. and there continued by Prorogation until the *Firſt* Day of *Auguſt*, *Anno Domini* 1759, and in the Thirty Third Year of His Majeſty's Reign; being the Second Seſſion of the Firſt *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT for regulating and maintaining an *Houſe* of *Correction* or *Work-Houſe* within the Town of *Halifax*, and binding out *Poor Children*.

BE it *Enacted by the Lieutenant Governor, Council and Aſſembly*, That the ordering and governing the Houſe of Correction or Work Houſe, ſhall be in the Juſtices of the Peace in their *Quarter Seſſions*, (except three Rooms, which ſhall be reſerved for the Reception of the Poor, under the

3. *Geo.* 3. *cap.* 9. The Work-houſe to be under the Direction of the Juſtices in Quarter Seſſions, (except three Rooms for the Reception of Poor,

which ſhall be under the Direction of the Overſeers of the Poor) who ſhall agree with a Keeper of the ſaid Houſe, &c.

Direction of the Overſeers of the Poor) and the ſaid Juſtices are hereby alſo impowered to agree with any Perſon to be Maſter or Keeper of the ſaid Houſe, (excepting the three Rooms before excepted) upon the beſt Terms they can, for ſuch Time as they ſhall think adviſeable, public Notice being firſt given in the *Halifax Gazette* for that Purpoſe, and ſuch Maſter or Keeper ſhall account with the ſaid Juſtices in *Seſſions*, once in every Three Months, (if required) therein ſtating as well the Expences of attending the ſaid Houſe, as all the Earnings of the ſame.

Three of the ſaid Juſtices to have the Inſpection of the Houſe, one of whom ſhall viſit the ſame once every Week.

II. 3. *Geo.* 3. *Ch.* 9. Sec. 2. *And be it further Enacted*, That the ſaid Juſtices ſhall nominate Three of their Bench Quarterly, to have the Inſpection of the ſaid Work-Houſe, One of which Juſtices in Rotation ſhall viſit the ſame at leaſt once every Week, to ſee that ſuch Perſons as ſhall be committed thereto, are diligently to Work; and to rectify any Abuſes that may be found in the Management thereof.

Juſtices to commit Offenders.

III. *And be it further Enacted*, That it ſhall and may be lawful for the Juſtices of the Peace in their General Seſſions, or for any one Juſtice of the Peace out of Court, to ſend and commit to the ſaid Houſe of Correction, to be kept, governed, and puniſhed according to the Rules and Orders thereof, all diſorderly and idle Perſons, and ſuch who ſhall be found begging, or practiſing any unlawful Games, or pretending to Fortune telling, common Drunkards, Perſons of lewd Behaviour, Vagabonds, Runaways, ſtubborn Servants and Children, and Perſons who notoriouſly miſpend their Time to the Neglect and Prejudice of their own or their Family's Support; upon due Conviction of any of the ſaid Offences or Diſorders.

Keeper to ſet Offenders to work,

and to puniſh them by Whipping.

VI. *And be it further Enacted*, That the Maſter or Keeper of the ſaid Houſe of Correction, ſhall have Power and Authority to ſet all ſuch Perſons as ſhall be duly ſent or committed to his Cuſtody, to work and labour, if they be able, for ſuch Time as they ſhall continue and remain in the ſaid Houſe; and to puniſh them by putting Fetters and Shackles upon them, if neceſſary, and by moderate Whipping, not exceeding Ten Stripes at once, which (unleſs the Warrant of Commitment ſhall otherwiſe direct) ſhall be inflicted at their firſt coming in, and from Time to Time afterwards, at his Diſcretion, in Caſe of their being ſtubborn or idle, and neglecting to perform ſuch reaſonable Taſks as ſhall be aſſigned them, and to abridge them of their Food, as the Caſe may require, until they be reduced to better Behaviour.

Perſons committed not to be chargeable to the Government.

V. *And be it further Enacted*, That no Perſon committed to the ſaid Houſe of Correction, ſhall be chargeable to the Government for any Allowance, either at going in or coming out, or during the Time of their Abode there: But ſhall be maintained out of their Earnings, and the

the Remainder thereof ſhall be accounted for, by the Maſter or Keeper of the ſaid Houſe; who ſhall keep an exact Account thereof, and render the ſame upon Oath, if required, to the ſaid Overſeers when demanded.

Idiots, &c. to be taken Care of and relieved by the Keeper.

VI. *And be it further Enacted*, That if any Perſon or Perſons committed to the ſaid Houſe of Correction be Idiots, or Lunatic, or Sick and weak, and unable to work, they ſhall be taken Care of and relieved by the Maſter or Keeper of the ſaid Houſe, who ſhall keep an exact Account of what Charges he ſhall neceſſarily be at therein; to be rendered to the ſaid Overſeers, upon Oath, if demanded.

Pay of the Keeper, &c. how to be defrayed.

VII. *And be it further Enacted*, That the Pay of the ſaid Maſter or Keeper of the ſaid Houſe of Correction, and the Charge for any Materials, Tools, or Implements purchaſed as before mentioned, or ariſing by the Relief of Perſons unable to work, and other neceſſary Expences of the ſaid Houſe, ſhall be defrayed out of the Surplus of the Earnings of the Labour done in the ſaid Houſe, if the ſame ſhall be ſufficient therefor; or otherwiſe, ſhall be advanced out of Money in the Treaſury of the Province, to be iſſued by Warrant under the Hand and Seal of the Governor or Commander in Chief for the Time being, and His Majeſty's Council of this Province, to be reimburſed to the ſaid Treaſury out of ſuch Profits as may afterwards ariſe as aforeſaid.

Poor Children to be bound Apprentices by the Overſeers of the Poor, with the conſent of two Juſtices.

VIII. *And be it further Enacted*, That the ſaid Overſeers of the Poor ſhall take Order from Time to Time, by and with the Conſent of Two or more Juſtices of the Peace for the County of *Halifax*, for ſetting to work the Children of all ſuch, whoſe Parents ſhall not, by the ſaid Overſeers, or the greater Part of them, be thought able to keep or maintain them, or any poor Orphans; or by Indenture to bind any ſuch Children or Orphans as aforeſaid, to be Apprentices, where they ſhall ſee convenient, till ſuch Man Child ſhall come to the Age of Twenty One Years, and ſuch Woman Child to the Age of Eighteen Years, or the Time of her Marriage; the ſame to be as effectual to all Purpoſes as if ſuch Child were of full Age, and by Indenture of Covenant had bound him or herſelf. *Provided always*, That one of the Conditions of ſaid Indentures ſhall be, that if the ſaid Maſter or Miſtreſs of ſaid Apprentice or other Perſon to whom ſaid Indenture may be aſſigned, ſhall tranſport or carry ſaid Apprentice out of this Province, to reſide or dwell in any other Colony or Plantation, that then the ſaid Indenture ſhall be void and of none Effect, and the ſaid Apprentice ſhall thenceforth be diſcharged from any further Service to his ſaid Maſter, Miſtreſs or Aſſigns. *Provided alſo*, That the Children maintained and ſupported in the Orphan Houſe at the Expence of the Crown, ſhall

Proviſo not to carry them out of the Province.

Children in the Orphan Houſe excepted.

ſhall remain and be under the Direction of the Governor as heretofore, and bound out in ſuch Manner as he ſhall order and direct.

Sick and weak perſons to be ſent to the Work-houſe, by the Overſeers of the Poor only, to be there relieved.

IX. 3. *Geo.* 3. *Ch.* 9. Sec. 3. That it ſhall be in the Power of the Overſeers of the Poor of the Town of *Halifax* only, to ſend ſuch ſick and weak Perſons to the Work Houſe, there to be relieved by their Direction, and the Expence thereof to be defrayed out of ſuch Taxes, or Poor's Rate, as ſhall be granted and collected for the Town of *Halifax*.

The Clauſe relating to the binding out poor Children to extend through the Province.

X. Sec. 4. That the Directions relating to the binding out poor Children and Orphans, contained in the clauſe aforeſaid ſhall for the future extend, and be conſtrued to extend, to all the other Towns in this Province.

CAP. II.

An ACT for regulating and maintaining a Light Houſe on *Sambrô* Iſland.

Preamble.

WHEREAS *by an Act of the General Aſſembly of this Province, intitled* An Act for erecting a Light Houſe at the Entry of the Harbour of HALIFAX, *made and paſſed at their Seſſion begun and holden at* Halifax, *the Second Day of* October, 1758, *the Sum of One Thouſand Pounds out of the Monies then in the Treaſury of the Province, collected from the Duties on Spirituous Liquors, was appropriated for the erecting a Light Houſe on the Iſland commonly called and known by the Name of* Sambrô Outer Iſland, *at the Entrance of the Harbour of* Halifax: *And it was Enacted, that until ſuch Light Houſe ſhould be erected the Commiſſioners appointed for carrying the ſaid Act into Execution, ſhould cauſe a Beacon and Light to be placed on the ſaid Iſland for the Benefit of Veſſels coming into the ſaid Harbour, Be it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted,* That from and after the Firſt Day of *September* next, there ſhall be paid by the Maſter of every Merchant Veſſel coming into, or going out of the Harbour of *Halifax*, at her going out of the

All Veſſels, except Coaſters &c: to pay a Duty of Six Pence per Ton.

the ſaid Harbour, (other than Coaſters and Fiſhing Veſſels, and ſuch Tranſport or other Veſſels employed in His Majeſty's Service as ſhall, by their Charter Party, be exempted from paying Port Charges) a Duty of Six Pence per Ton Currency, for ſo many Tons as ſhall appear to the Satisfaction of the Receiver, or by the Oath of the Maſter, (which Oath the ſaid Receiver is hereby authoriſed to adminiſter) to be the real Burthen thereof.

Veſſels belonging to Freeholders in the Province, to pay only Four Pence per Ton.

II. *Provided*, That all Ships or Veſſels wholly belonging to any Perſon, that is a Freeholder and Inhabitant in this Province, ſhall only pay Four Pence per Ton: The ſaid Duty to be paid before clearing the ſaid Veſſel, to ſuch Perſon or Perſons as ſhall hereafter be appointed by His Excellency the Governor for that Purpoſe; who are hereby authoriſed to demand and receive the ſame, and upon Refuſal of Payment, to ſue for and recover the ſaid Duty before Two of His Majeſty's Juſtices of the Peace, or in Caſe the Sum ſhall not exceed Forty Shillings, before One Juſtice.

What Veſſels deemed Coaſters &c.

III. *And be it further Enacted*, That no Veſſel ſhall be deemed a fiſhing Veſſel, within the meaning of this Act, excepting ſuch as ſhall be wholly employed in that Buſineſs, nor ſhall any Veſſel be deemed a Coaſter, excepting ſuch as ſhall be wholly employed within the Province.

Coaſters to pay at the Rate of 20s. per Annum.

IV. *And be it further Enacted*, That every Coaſting Veſſel ſhall pay, in Lieu of the ſaid Duty, at the Rate of Twenty Shillings per Annum, and no more, to be received and recovered in Manner as aforeſaid.

Monies ariſing by the Duty to be applied to the Support of the Light-houſe,

And the Surplus to the Uſes of the Government.

V. *And be it further Enacted*, That all Monies ariſing by the aforeſaid Duty ſhall be paid into the Treaſury of the Province, and be applied towards the Support of the ſaid Light Houſe; to be iſſued for the ſaid Purpoſe, by Warrant under the Hand and Seal of the Governor or Commander in Chief for the Time being of the Province; and in Caſe there be more Monies raiſed than is neceſſary for the Support of the ſaid Light Houſe, the Surpluſage to be applied to the Uſes of the Government.

CAP. III.

An ACT for the Quieting of Poſſeſſions to the *Proteſtant Grantees* of the Lands formerly occupied by the *French* Inhabitants, and for preventing vexatious Actions relating to the ſame.

Preamble.

WHEREAS *this Province of* Nova Scotia *or* Acadie, *and the Property thereof, did always of Right belong to the Crown of* England, *both by Priority of Diſcovery and ancient Poſſeſſion, and that no Grant of Property to any of the Lands or Territories belonging thereto, is of any Validity, or can give the Poſſeſſor thereof any legal Right or Title to any Part thereof, unleſs derived from thence*;

And Whereas by a Treaty of Peace concluded at Utrecht, *in the Year of our Lord One Thouſand Seven Hundred and Thirteen,* between Her moſt Sacred Majeſty ANNE of Glorious Memory, *Queen of* Great Britain, *&c. And his moſt Chriſtian Majeſty, it was concluded and agreed on, that all* Nova Scotia, *or* Acadie, *with it's antient Boundaries, and all other Things in thoſe Parts which depend on the ſaid Lands, together with the Dominion, Property, and Poſſeſſion of the ſaid Lands and Places, and all Right whatſoever by Treaties or any other Way attained, which the moſt Chriſtian King, the Crown of* France, *or any other the Subjects thereof, had to the Lands and Places, and to the Inhabitants of the ſame, are yielded and made over to the Queen of* Great-Britain, *and to her Crown for ever*;

And whereas at the Time of that Ceſſion, many of the French *King's Subjects did reſide and dwell within this His Majeſty's Province of* Nova Scotia, *and did not remove from the ſame, within the Space of Twelve Months, according to the Limitation of that Treaty, whereby they and their Poſterity became Subjects of the Crown of* Great Britain *in every reſpect; notwithſtanding which, contrary to their Allegiance, they began from that Time, and continued at all Times to aid, aſſiſt, and ſupport, and join with His Majeſty's Enemies; and altho' His Majeſty, notwithſtanding their manifeſt Treaſons and Rebellion, in order to extend His Indulgence towards them, and if poſſible to reclaim and reduce them to His Obedience, was moſt graciouſly pleaſed, by His Royal Inſtructions to the Governors of this Province, to declare that the ſaid* French *Inhabitants ſhould have the peaceable Poſſeſſion of ſuch Lands as were under their Cultivation,* Provided, *That they the ſaid Inhabitants ſhould within Three Months from ſuch Time as ſhould be thought proper by the Governor, take the Oath of Allegiance appointed to be taken by the Laws of* Great Britain, *and likewiſe behave themſelves as became good Subjects: And altho' ſeveral Proclamations had hitherto been iſſued by His Majeſty's Governors of this Province, requiring their Oath of Allegiance, yet ſo far*

were they from obeying the ſame, that by a general Deputation of their principal Men, before His Majeſty's Governor and Council, they abſolutely refuſed to take the ſaid Oaths ſo required of them, but on the contrary did ſtill continue to aid, aſſiſt, and join with His Majeſty's Enemies, and Five Hundred of them were found in Arms, within the Fort of Beauſejour *when the ſame was ſurrendered, and many of them, in Company with the Indian Savages, did frequently commit many horrid and barbarous Murders on His Majeſty's Proteſtant liege Subjects, who were endeavouring to ſettle themſelves on the Lands within this Province, whereby the Progreſs of the Settlement of this Province, with his Majeſty's Proteſtant Subjects, was retarded, and the Crown put to an exceſſive great Expence, to defend and protect them; and alſo by ſuch their treacherous Practices, His Majeſty's moſt gracious Deſigns, as well towards them, as alſo towards His ſaid Proteſtant Subjects, were fruſtrated; and had they not been timely removed by the Prudence and Vigilancy of his Excellency the preſent Governor, from the ſaid Lands and Territories, into other his Majeſty's Dominions, this invaluable Province, during the Courſe of this War, muſt inevitably have fallen into the Hands of his Majeſty's Enemies the* French;

And whereas ſince the Removal of the ſaid French *Inhabitants, His Excellency the Governor, in order to make an effectual Settlement in this Province, and to ſtrengthen the ſame, has been pleaſed to make Grants of Townſhips to many ſubſtantial and induſtrious Farmers, Proteſtants, His Majeſty's Subjects of the Neighbouring Colonies, in which Townſhips are contained ſome of the Lands formerly occupied by the ſaid* French *Inhabitants; and as many other ſubſtantial and induſtrious Farmers, Proteſtants, are daily applying for Grants of Townſhips, wherein ſuch Lands will be comprehended: And as ſome Doubts have ariſen among the ſaid Perſons intending to ſettle the ſaid Lands, concerning the Title of the ſaid* French *Inhabitants to any of the ſaid Lands, that may fall within their Townſhips: And altho' the ſaid* French *Inhabitants have not, nor ever had, any legal Right or Title to the ſaid Lands, derived from the Crown of* Great Britain, *yet, in order to remove ſuch Doubts, and to prevent any troubleſome or vexatious Suits of Law that may hereafter be brought for the Maintenance of any ſuch Right or pretended Right to any of the Lands within this Province, formerly poſſeſſed or occupied by the ſaid* French *Inhabitants; Be it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted,* That no Action ſhall be retained in any of His Majeſty's Courts of Record in this Province, for the Recovery of any of the Lands, within the ſame, by Virtue of any former Right, Title, Claim, Intereſt, or Poſſeſſion, of any of the former *French* Inhabitants, or by Virtue of any Right, Title, Claim, or Intereſt, holden under or derived from them, by Grant, Deed, Will, or in any other Manner whatſoever.

No Action to be retained in any Court for any Lands by Virtue of any Right of the former French Inhabitants

II. *And be it further Enacted,* That when any Action ſhall be brought for the Recovery of any Lands within this Province, and it ſhall appear upon

Such Actions to be diſmiſſed, upon due Proof thereof.

upon Evidence, that the Grounds of ſuch Action is founded upon any ſuch Right, Title or Poſſeſſion of the ſaid *French* Inhabitants, or derived from them as aforeſaid, that then this Act may be pleaded in Bar to all ſuch Actions: And all His Majeſty's Judges and Juſtices of the ſaid Courts, are hereby required and enjoined, upon ſuch Plea and Proof thereof, to diſmiſs ſuch Action, and award Coſts forthe Defendants.

CAP. IV.

An ACT for regulating Juries and declaring the Qualification of Jurors.

Qualification of Jurors.

BE it *Enacted by the Governor, Council and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That no Perſon ſhall be Qualified to ſerve as a Grand Juror, unleſs ſuch Perſon ſhall be poſſeſſed of a Freehold in the County where he reſides, of the clear yearly Value of *Ten Pounds*, or of a perſonal Eſtate of the Value of *One Hundred Pounds*. And that no Perſon ſhall be qualified to ſerve as a Petit Juror, unleſs he hath a Freehold Eſtate of the value of Twenty Shillingsa Year, or is poſſeſſed of *Ten Pounds* in perſonal Eſtate.

Sheriff to make out liſts,

II. *And be it further Enacted*, That the Sheriffs of each County ſhall once a Year, viz. On or before the Tenth Day of *April* make out a liſt of all Perſons qualified as aforeſaid, who have reſided within ſaid County for three Months preceeding, and return the ſame into the Clerks Office of the ſeveral Courts where they are to ſerve, who ſhall thereupon cauſe the Names of the Perſons ſo returned to them reſpectively to be written on diſtinct Pieces of Paper, which ſhall be ſeverally rolled up, and put into the Box to be lockt up and kept by each of ſaid Clerks of ſaid Reſpective Courts.

The Juries to be drawn before the End of the Term, to ſerve at the next enſuing Term,

III. 8. *Geo.* 3. *Ch.* 8. *And be it alſo Enacted*, That it ſhall and may be lawful for the *Supreme Court*, and the reſpective *Inferior Courts* and *Quarter Seſſion*, on or before the laſt Day of their Sittings in each Term, to draw from the Box or Boxes depoſited with the reſpective Clerks, ſuch, and ſo many Rolls or Tickets of Names as may be ſufficient to ſerve as Grand Jurors and Petit Jurors for the Term or Sittings of the ſaid *Supreme Court* and *Seſſions of the Peace*, and of Petit Jurors for ſaid *Inferior Court*, next enſuing the Term or Sittings, wherein the ſaid Grand and Petit Jurors ſhall be ſo drawn as before directed.

Precept by whom ſigned.

IV. *And it is hereby further Enacted*, That a Precept for ſummoning the ſaid Grand and Petit Jurors, when ſo drawn, ſhall be ſigned by the Chief or Eldeſt ſitting Juſtice of the *Supreme Court*; and firſt

first Juſtice of each *Inferior Court* and *Seſſions of the Peace*, and that each and every Clerk of the ſaid reſpective Courts, ſhall by Virtue of ſaid Precepts, Ten Days before the Meeting of the then next enſuing Courts, iſſue out a *Venire Facias* for ſummoning the ſaid Grand and Petit Jurors, purſuant to the Tenor of ſaid Precepts.

V. *And be it further Enacted*, That every Perſon ſummoned and returned as aforeſaid to ſerve as a Juror who (without ſufficient Reaſon to be judged of by the Court) ſhall refuſe or neglect to give his Attendance on the firſt Day of the Sitting of ſaid reſpective Courts, ſhall forfeit the Sum of *Five Pounds*, and for every Days neglect of Attendance afterwards during ſaid Term; if a Grand Juror Twenty Shillings and a Petit Juror Ten Shillings to be paid into the Office of the Clerks of the reſpective Courts to be by them paid into the Treaſury for the uſe of the Province.

Perſons neglecting or refuſing to attend.

VI. *And be it alſo Enacted*, That in Caſe of a Deficiency of Grand Jurors, the number ſhall be compleated by Drawing the ſame in open Court, and all Deficiencies of Petit Jurors to be filled up *de talibus Circumſtantibus*, to be immediately returned by the Sheriff, his Deputy, or the Corroner, where the Sheriff is related or a Party concerned.

VII. 7. *Geo.* 3. *Ch.* 2. *Be it Enacted*, That any Perſon reſiding in the Iſland of *Cape Breton*, or *St. John's* in this Province, not being a Freeholder, but that ſhall have perſonal Eſtate to the Value of *Ten Pounds* and upwards, ſhall be obliged to ſerve on Juries, and in caſe of Neglect or Refuſal, ſhall be ſubject to the Penalties impoſed by the above Act; all Perſons ſo ſummoned may diſqualify themſelves by making Oath before the Court, that they are not poſſeſſed of perſonal Eſtate to the Value of *Ten Pounds*.

Qualification of Jurors in the Iſlands of Cape Breton and St. John's.

VIII. 17. *Geo.* 3. *Ch.* 4. That each and every Perſon who ſhall be drawn as a Grand Juror at the *Supreme Court*, which ſhall hereafter be held for each reſpective County in this Province, ſhall ſerve as ſuch at the ſaid *Supreme Court* and *Courts of General Seſſions of the Peace* during one Year, from the time of their being ſworn in at either of the ſaid Courts.

Grand Jurors to ſerve at the Supreme Court and Court of Seſſions for one Year

IX. *And be it further Enacted*, That no Perſon who hath ſerved as a Grand Juror, ſhall be compelled to ſerve as a Petit Juror in the ſame Court within One Year from the Time of ſuch his Attendance.

X. *And be it further Enacted*, That Grand Juries ſhall not be obliged to attend more than *Six Days* at each Term of the *Supreme Court*, not more than three Days at each Term of the *Quarter Seſſions*, unleſs upon ſome ſpecial Occaſion, and that Petit Juries ſhall not be obliged to attend more than *Ten Days* from the Firſt Day of the ſitting of either of ſaid Courts.

Grand Jurors to attend no more than 6 days, at Sup. Court 3 days, at the Seſſions 10 days, at either Court.

XI. *Provided*

Priviledged Perſons

XI. *Provided always*, That the Members of His Majeſty's Council, the Members of the Aſſembly, the Treaſurer of the Province, Regiſter of Deeds, Chief Surveyor of the Crown Lands, Secretaries, Miniſters, Officers of his Majeſty's Cuſtoms, Naval Officer and his Deputy, Attornies at Law, officers of his Majeſty's Courts, Commiſſary of the Ordnance Stores, and Surgeons, ſhall be excuſed from ſerving as Jurors.

At the GENERAL ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at *Halifax*, on the *Fourth* Day of *December*, *Anno Domini* 1759, and in the *Thirty Third Year* of the Reign of Our Sovereign Lord GEORGE the Second of *Great-Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. being the Firſt Seſſion of the Second *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT to prevent *Gaming*.

Public Gaming at Cards, &c. and all Lotteries and Public Gaming Tables, ſhall be adjudged Nuſances.
1. *Hawk. P. C.* 198.
All Notes, &c. for Money, &c. won by Gaming, to be void.
Eng. Stat. 9. *An.* c. 14. *Sect.* 1.
1. *Strange* 495.

BE *it Enacted by His Excellency the Governor, Council and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That from and after the Publication hereof, all Public Gaming at Cards, Dice, Tennis, Bowls, or any other Games whatſoever, and all Lotteries, and Public Gaming Tables, ſhall be deemed and adjudged to be Nuſances; and all Notes, Bills, Bonds, Judgments, Mortgages, or other Securities or Conveyances whatſoever, given, granted, drawn, or entered into, or executed, by any Perſons whatſoever, where the Whole or any Part of the Conſideration of ſuch Conveyances or Securities ſhall be for any Money, or other valuable Thing whatſoever, won by Gaming or Playing at Cards, Dice, Tables, Tennis, Bowls, or other Game or Games whatſoever, or by Betting on the Sides or Hands of ſuch as do game at any of the Games aforeſaid, or for the reimburſing or repaying any Money knowingly lent or advanced for ſuch Gaming or Betting as aforeſaid, or lent and advanced at the Time and Place of ſuch Play, to any Perſon

or

or Perſons ſo Gaming or Betting as aforeſaid, or to any other Perſon or Perſons in Truſt for, or to the Uſe of them ſo Gaming or Betting, or that ſhall, during ſuch Play, ſo Game or Bett, ſhall be utterly void, fruſtrate, and of none Effect, to all Intents and Purpoſes whatſoever: And that where ſuch Mortgages, Securities, or other Conveyances, ſhall be of Lands, Tenements, or Hereditaments, or ſhall be ſuch as incumber or affect the ſame, ſuch Mortgages, Securities, or other Conveyances, ſhall enure and be to and for the ſole Uſe and Benefit of, and ſhall devolve upon, ſuch Perſon or Perſons, as ſhould or might have, or be intitled to ſuch Lands, Tenements or Hereditaments, in Caſe the ſaid Grantor or Grantors thereof, or the Perſon or Perſons ſo incumbering the ſame, had been naturally dead, and as if ſuch Mortgages, Securities, or other Conveyances, had been made to ſuch Perſon or Perſons ſo to be intitled after the Deceaſe of the Perſon or Perſons ſo incumbering the ſame; and that all Grants or Conveyances, to be made for the preventing ſuch Lands or Tenements or Hereditaments from coming to, or devolving upon ſuch Perſon or Perſons hereby intended to enjoy the ſame as aforeſaid, ſhall be deemed fraudulent and void, and of none Effect to all Intents and Purpoſes whatſoever.

Eng. Stat. 9. *An.* c. 14. *Sect.* 2. Perſons loſing more than 20*s.* within 24 Hours.
1. *Salk.* 345. *Dickſon verſus Pawlett.*
2. *Mod.* 54. *Hill verſus Pheaſant.*
2. *Stra.* 1079. *Turner verſus Warren.*

II. *And be it further Enacted*, That from and after the Publication hereof, any Perſon or Perſons whatſoever, who ſhall by Playing at Cards, Dice, or Tables, or any other Game or Games whatſoever, or by Betting on the Sides or Hands of ſuch as do play at any Game or Games as aforeſaid, within Twenty Four Hours, or at any one Meeting or Sitting, loſe to any one or more Perſon or Perſons, ſo Playing or Betting, any Sum or Sums of Money, exceeding the Sum of Twenty Shillings, or any other valuable Thing or Things whatſoever beyond the Value of the Sum of Twenty Shillings, and ſhall pay or deliver the ſame or any Part thereof, the Perſon or Perſons ſo loſing and paying or delivering the ſame, ſhall be at Liberty, within One Month then next following, to ſue for and recover the Money or Goods ſo loſt and paid or delivered, or any Part thereof, from the reſpective Winner or Winners thereof, with Coſts of Suit, by Action of Debt founded on this Act; to be proſecuted in any of His Majeſty's Courts of Record, in which Action it ſhall be ſufficient for the Plaintiff to alledge that the Defendant or Defendants are indebted to the Plaintiff, or received to the Plaintiff's Uſe, the Monies ſo loſt and paid, or converted the Goods won of the Plaintiff to the Defendant's Uſe, whereby the Plaintiff's Action accrued to him according to the Form of this Act; and in Caſe the Perſon or Perſons who ſhall loſe ſuch Money or other Thing as aforeſaid, ſhall not, within the Time aforeſaid, really and *bona fide*, and without Covin or Colluſion, ſue and with Effect proſecute for the Money or other Thing ſo by him or them loſt and paid, or delivered as aforeſaid, it ſhall and may be lawfull to and for any Perſon or Perſons, within One Month thereafter, by any ſuch Action or Suit as aforeſaid, to ſue for and recover the ſame with Coſts of Suit, againſt ſuch

may ſue for and recover the ſame from the Winner within One Month;

And in caſe ſuch Perſon ſhall not ſue within that Time,

any other Perſon may ſue for and recover the ſame within One Month after.

such Winner or Winners as aforesaid; the one Moiety thereof to the Use of the Person or Persons that will sue for the same, and the other Moiety to the Use of the Poor of the Town where the Offence shall be committed.

One Half to the Use of the Poor.

III. *And be it further Enacted*, That the Parent, Guardian, or Master of any Person or Persons under the Age of Twenty One Years, shall likewise be at Liberty to sue for and recover, in Manner as is before prescribed, any Money or other Thing won by Gaming from such Persons within lawful Age, and treble the Value of the Money so won, with Costs of Suit.

Parents, &c. of Persons under Age, may sue for Money, &c. won from them

IV. *And be it further Enacted*, That if any Persons shall, by Fraud, unlawful Device, or ill Practice whatsoever, in playing at any Game or Games whatsoever, or by bearing a Share or Part in the Stakes, or by Betting on the Sides of such as shall play, win, or acquire to themselves, or to any others, any Money or other valuable Thing, every Person so winning or acquiring by such ill Practice as aforesaid, and being thereof convicted of any of the said Offences, upon Indictment or Information, shall forfeit five Times the Value of the Money or other Thing so won as aforesaid; such Penalty to be recovered by such Person as shall sue for the same by such Action as aforesaid.

Eng. Stat. 16. *Car.* 2. *c.* 7. *Sect* 2. *&* 9. *Ann. c.* 14. *Sect.* 5. Persons winning any money, &c. fraudulently,

to forfeit five Times the Value. 2. *Stra.* 1048. *Rex versus Luckup. The Penalty must be sued for, after the Conviction.*

V. *And for the better suppressing all Publick Gaming Houses, it is hereby further Enacted*, That it shall and may be lawful to and for any Two or more of His Majesty's Justices of the Peace, to enter into any Publick Houses suspected of keeping any Gaming Tables, and to order and direct the Keepers of such Gaming Tables, if any such shall be found therein, to remove the same within Forty Eight Hours, as a Public Nusance; and any Person refusing or neglecting to obey the Order of such Justices, the said Justices shall have Power to break and prostrate such Publick Gaming Tables, and also to require sufficient Security from Persons keeping such Publick Gaming Houses, for their good Behaviour during Twelve Months, or for their Appearance at the next Quarter Sessions, there to be prosecuted for offending against this Act, and on Conviction, to be either fined or imprisoned, as the Court shall direct.

Two Justices may order Gaming Tables to be removed, as Public Nusances, &c.

CAP. II.

An ACT for permitting Perſons of the Profeſſion of the People called *Quakers*, to make an Affirmation inſtead of taking an *Oath*.

BE it *Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That every Perſon of the Profeſſion of the People called *Quakers*, who ſhall be required upon any lawful Occaſion to take an Oath, ſhall inſtead of an Oath in the uſual Form, be permitted to make his or her ſolemn Declaration or Affirmation in theſe Words, *to wit*.

Eng. Stat. 22. Geo. 2. c. 46. Sect. 36.

Quakers may make Solemn Affirmation, inſtead of taking an Oath.

"*I.* A. B. *do ſolemnly, ſincerely, and truly declare and affirm:*"

Which ſolemn Affirmation ſhall be judged and taken to be of the ſame Force and Effect, in all Places where by Law an Oath ſhall be required, as if ſuch Quaker had taken an Oath in the uſual Form.

II. *And be it further Enacted*, That every Perſon who ſhall have made ſuch ſolemn Affirmation, and ſhall be convicted of wilfully, falſely, and corruptly, having affirmed any Thing, which if the ſame had been ſworn in the uſual Form, would have amounted to wilful and corrupt Perjury, ſhall incur the ſame Penalties as Perſons convicted of wilful and corrupt Perjury.

Perſons falſely affirming to ſuffer as if guilty of Perjury

III. *Provided*, That no *Quaker* or reputed *Quaker* ſhall, by Virtue of this Act, be admitted to give Evidence in any criminal Cauſes, by ſuch ſolemn Declaration or Affirmation as is hereby directed.

Criminal Cauſes excepted.

IV. *Provided*, That no Perſons ſhall be deemed *Quakers* within the Intention of this Act, unleſs they ſhall affirm in the Form before directed, that they are of the Profeſſion of the People called *Quakers*, and have been ſo for One Year then laſt paſt.

Quakers to affirm that they have been ſo for one Year.

V. *And be it further Enacted*, That this Act ſhall be deemed to be a publick Act, and be judicially taken Notice of as ſuch.

To be deemed a Publick Act.

CAP. III.

An ACT to prevent diſorderly Riding Horſes, and Driving Carts, Trucks, and Sleds, Slays or any other Carriage whatſoever, within the Town of *Halifax*, or any other Town within the Province.

Preamble.

IN Order to prevent the Inconveniences and Miſchiefs which might ariſe from the negligent and diſorderly Riding Horſes and Driving Carts, Trucks, and Sleds for Carriage of Burthen, or any other Carriage whatſoever, within the Town of Halifax, *or any other Town within the Province; Be it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That (from and after the Publication hereof) no Perſon or Perſons ſhall, on any Pretence whatever, gallop or ride at full Speed on Horſeback, or having the Charge of driving any Horſe or Horſes, in any Cart, Truck or Sled, ſhall ride upon ſuch Horſe or Horſes, or remain placed in or upon any Part of ſuch Cart, Truck, or Sled, within any of the Streets or Highways of the ſaid Town or Towns, and that no ſuch Driver or Drivers ſhall omit, during ſuch Time, to lead the Shaft or Thill Horſe by an Halter, not exceeding Four Feet in Length, or ſhall drive any ſuch Horſe or Horſes faſter than a Footpace, upon Penalty of Ten Shillings for every ſuch Offence, to be paid upon Conviction by the Teſtimony of One Credible Witneſs, before any One of His Majeſty's Juſtices of the Peace, within Twenty Four Hours after ſuch Offence committed; and in Caſe of any ſuch Offender's Refuſal to pay the ſame, ſaid Offender ſhall be put to Labour for the Space of Four Days in repairing the ſaid Highways, under the Direction of the Surveyor or Surveyors of the Highways, or any of them; and in caſe of Refuſal or Neglect to perform ſuch Labour, it ſhall and may be lawful for any Juſtice of the Peace, upon Complaint of the ſaid Surveyor or Surveyors, or any of them, to cauſe ſuch Offender to be committed to the Houſe of Correction, where he ſhall forthwith receive Ten Stripes, in the uſual Manner of Correcting Offenders at the ſaid Houſe, and thereupon be diſcharged.

No Perſon to ride at full Speed on Horſeback, &c. in any Town.

on Penalty of 10s. or

four Days Labour in the Highway,

on Refuſal to be whipped Ten Stripes.

II. *And be it further Enacted*, That every Owner or Proprietor of any Sled or Slay, uſed either for Carriage of Goods or Perſons, ſhall cauſe at leaſt Six Horſe Bells, to be affixed to the Horſe Harneſs of the ſaid Sled or Slay, and ſhall not drive the ſame, or any other Carriage whatſoever, in a diſorderly Manner, upon Penalty of Twenty Shillings for every Omiſſion or Offence, upon Conviction, on the Oath of One Credible Witneſs, before any One of His Majeſty's Juſtices of the Peace, within Twenty Four Hours after ſuch Offence committed, and in Caſe of Refuſal or Neglect to pay the ſame,

Owners of Sleds or Slays to fix Horſe Bells on the Horſe Harneſs, &c.

on Penalty of 20s.

to

to be levied on the Goods or Chattels of ſuch Offender, by Warrant of Diſtreſs and Sale under the Hand and Seal of the ſaid Juſtice.

III. *All Fines and Penalties*, incurred by this Act, to be paid into the Hands of the Surveyors of the Highways for the Time being, to be by them applied towards the repairing and amending the ſame.

Fines to be applied to repair Highways.

CAP. IV.

An ACT for the better and more effectual Eſtabliſhment of the *Church of England* in this Province.

BE it *Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That hereafter when any Church, Chapel, or Place of Worſhip ſhall be erected in any Part of this Province, for the Celebration of Divine Service, according to the Rites and Ceremonies of the *Church of England*, it ſhall and may be lawful for His Excellency the Governor or Commander in Chief, with the Advice and Conſent of His Majeſty's Council, to preſcribe Limits and allot a certain Diſtrict, which ſhall be the Pariſh of the Church ſo erected *; and it ſhall and may be lawful for the Inhabitants or Perſons reſiding within the ſaid Diſtrict, to meet for the Choice of Church Wardens, Veſtry, and Pariſh Officers, which Choice ſhall be made yearly, and at the ſame Time and Manner as is preſcribed already for the Pariſh of *St. Paul's* in *Halifax*; and all Meetings, Acts and Proceedings of the Pariſhioners, Church Wardens, Veſtry, and Pariſh Officers of ſaid Pariſh ſo erected, in Behalf of the ſaid Church and Pariſh, ſhall be according to the Rules and Regulations ſet forth for *St. Paul's Church* in *Halifax*, in an Act intitled, *An Act in Addition to an Act for the Eſtabliſhment of religious public Worſhip in this Province*, And the ſaid Church Wardens and Veſtry are hereby impowered to act in the ſame Manner, in all Caſes, as is preſcribed in ſaid Act.

When any Church &c. ſhall be hereafter erected, the Governor & Council to preſcribe the Limits of the Pariſh

* *In what Manner Parochial Churches are founded, Vide Dr. Burn's Eccl. Law. 2. Vol. 132. Bp. Gibſon's Cod. Jur.*

Eccl. Ang. Tit. 9. Church Wardens, &c. to be choſen annually, in Manner preſcribed for the Pariſh of St. Paul's in *Halifax*.

II. *And be it further Enacted*, That the Church Wardens of every Pariſh within the Province, together with the Overſeers of the Poor, ſhall have and exerciſe the ſame Powers and Authorities in every Reſpect as are given to the Overſeers of the Poor, by an Act intitled, *An Act for Regulating and Maintaining an* Houſe of Correction *or* Work Houſe *within the Town of* Halifax, *and for binding out Poor Children*; and alſo by an Act intitled, *An Act for the Relief of the Poor in the Town of* Halifax.

Powers and Authorities of Church Wardens and Overſeers of the Poor.

CAP. V.

An ACT for regulating the Rates and Price of *Carriages.*

Preamble.

WHEREAS *the Rates and Price demanded by the Owners of Trucks, Carts, and other Carriages of Goods, Wares and Merchandize, are very exorbitant and exceſſive, and burthenſome to Trade:* In Order, *therefore, to remedy the ſame, Be it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted,* That the Juſtices in their *General Seſſions of the Peace,* held for the County of *Halifax*, ſhall twice every Year, in the Month of *March* and in the Month of *September*, regulate the Fares and Rates for the Carriage of Wood, Barrels, Hogſheads, and other Wares and Merchandize in the Town of *Halifax* and its Suburbs, Conſideration being had to the Price of Hay, Provender for the Cattle, and Price of Day Labourers; and ſhall cauſe a Table of the ſeveral Rates agreed upon by them at their Seſſions to be printed and poſted up in the moſt public Places in and about the Town of *Halifax.*

Juſtices in Seſſions to regulate Rates for the Carriage of Wood, &c. in Halifax.

Carmen, &c. demanding any greater Rates, forfeit 20s

II. *And be it further Enacted,* That if any Carman or Owner of Trucks or Carts, or any other Carriage, ſhall aſk, demand or receive, from any Perſon, any other or greater Rates or Fare, than is allowed and preſcribed by the Table aforeſaid, he or they ſhall forfeit and pay the Sum of Twenty Shillings, to be recovered on the Oath of the Proſecutor, before any One of His Majeſty's Juſtices of the Peace for the County of *Halifax*, and to be levied by Warrant of Diſtreſs: One Half to be paid to the Proſecutor, the other Half to be applied to and for the mending of the Streets of *Halifax.*

Juſtices in Seſſions, in other Counties, to regulate the Rates of Carriages, for each Town.

III. *And be it alſo further Enacted,* That the Juſtices of the Peace at the *Quarter Seſſions*, held in and for the ſeveral Counties within the Province, are alſo impowered and hereby required every Year, in the Months of *March* and *September*, to regulate the Fares and Rates of Carriages for the ſeveral Towns in each of the ſaid Counties, in like Manner and with the ſame Penalties, and to be recovered as is directed by the preceding Clauſes of this Act; One Half of the Fines and Forfeitures to be paid to the Proſecutor, and the other Half applied to and for mending and repairing the Streets of the Town where ſuch Offence ſhall be committed.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Fourth Day of *December*, *Anno Domini* 1759, and in the Thirty Third Year of the Reign of Our Sovereign Lord GEORGE the Second of *Great Britain*, *France* and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Eight Day of *September*, *Anno Domini* 1760, in the Thirty Fourth Year of His Majeſty's Reign, being the Second Seſſion of the *Second General Aſſembly* convened in this Province.

CAP. I.

An Act for the aſcertaining Damages on proteſted Bills of Exchange.

Foreign Bills of Exchange.

BE it *Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That from and after the Second Day of *October*, One Thouſand Seven Hundred and Sixty, all Bills of Exchange drawn from and after ſaid Time, by Perſons reſiding within this Province, upon Perſons in Europe, that may be ſent back proteſted ſhall be ſubject to Ten per Cent. Damages, and Six per Cent. per Annum Intereſt, from the Day of the Date of the Proteſt on ſaid Bill, to the Time of Payment. *And be it alſo Enacted by the Authority aforeſaid*, that all Bills of Exchange drawn by Perſons reſiding within the Province, after ſaid Time, on Perſons in the other Colonies, and ſent back proteſted, ſhall be ſubject to Five per Cent. Damages, and Six per Cent. per Annum Intereſt, from the Day of the Date of the Proteſt to the Time of Payment

Cro. Car. 304. *Barnaby verſus Rigalt.* 1. *Vent.* 45.

Inland Bills of Exchange. *Eng. St.* 9. & 10. *Will* 3. *c.* 17. *Eng. Stat.* 3. & 4. *An. c.* 9. *made perpetual by* 7. *Ann. c.* 25. *S. R.* 3. 1. *Salk.* 131. *Borough, verſus, Perkins.*

II. *And be it further Enacted by the Authority aforeſaid*, That all Bills and Orders drawn from and after the ſaid Second Day of *October* next, by Perſons reſiding within the Province on Perſons living or reſiding in the ſame, that ſhall be proteſted, ſhall be ſubject to Six per Cent. Intereſt from the Date of the Proteſt to the Time of Payment.

CAP. II.

An Act for Eſtabliſhing a *Public Market* at the *Market Houſe* in *Halifax*, and for regulating the ſame.

BE it *Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That the Market Houſe newly erected in the Town of *Halifax*, ſhall be open on Mondays, Tueſdays, Wedneſdays, Thurſdays, and Fridays, from Sun riſe to One o'Clock in the Afternoon, and on Saturdays from Sun riſe to Ten o'Clock at Night, for the Reception of all kinds of Butchers Meat, Poultry both alive and dead, Roots, Greens, Fruits, and other Vegetables, which may be brought for public Sale therein. The Firſt Market Day to be held on Monday the Thirtheenth Day of October next enſuing, and ſo to continue in Manner aforeſaid.

The Market Houſe to be open from Sun riſe to One o'Clock, every Day in the Week, and on Saturdays till Ten o'Clock at Night.

II. *And be it further Enacted by the Authority aforeſaid*, That a proper Perſon ſhall be appointed by the Governor or Commander in Chief, to be Keeper of the ſaid Market Houſe, who ſhall open and ſhut the ſame at the Times herein appointed, and cauſe it to be kept clean, ſweet, and in good Order: And the ſaid Keeper is hereby impowered to let the Stalls, and to ſue for, recover, and receive, from the Perſons who ſhall occupy the ſame, the Monies ariſing from the Rents, agreable to the ſeveral Rates herein after mentioned; which Monies he ſhall account for upon Oath, and pay to the Treaſurer of the Province once every Three Months; and for his Services in this Office he ſhall receive a Salary not exceeding Forty Pounds per Annum.

A Keeper to be appointed by the Governor,

his Duty and

Salary.

III. *And Whereas Diſputes and Controverſies do often ariſe in public Markets, which end in Quarrels and Frays; for preventing whereof as much as poſſible, Be it Enacted by the Authority aforeſaid*, That the ſaid Keeper of the Market Houſe ſhall be inveſted with all the Power and Authority of a Conſtable, in all Matters relative to the keeping Peace and Order in the ſaid Market; and ſhall accordingly be ſworn into that Office, before any Two of His Majeſty's Juſtices of the Peace, or at the next *General Seſſions of the Peace* for the County of *Halifax*, after his Appointment.

Keeper to have the Power of a Conſtable.

IV. *And be it further Enacted*, That every Perſon who ſhall hire One of the ſaid Stalls by the Quarter or any longer Time, ſhall pay Quarterly to the Keeper at the Rate of Eight Pounds *per Annum* for the ſame; and thoſe who ſhall hire any of the ſaid Stalls for a ſhorter Space of Time, ſhall pay at the Rate of One Shilling and

Rates for the Stalls.

Six

Six Pence per Day to the ſaid Keeper; but live Poultry, Fruits, Greens and other Vegetables, ſhall be expoſed to ſale on the Benches under the Piazza, Rent free.

Live Poultry &c. to be ſold in the Piazza.

V. *And be it farther Enacted*, That the Perſons expoſing to Sale, any Butchers Meat, Poultry, alive or dead, Roots, Greens, Fruit, or other Vegetables, as well within the ſaid Market Houſe, as without under the Piazza, ſhall conſtantly keep the ſame clean, ſweet, and in good Order, to the Satisfaction of the ſaid Keeper, on Penalty of forfeiting to the ſaid Keeper the Sum of Two Shillings and Six Pence for each and every Neglect; and the ſaid Keeper is hereby impowered immediately to demand the ſame, and in Caſe of Refuſal, the ſame ſhall be levied by Warrant of Diſtreſs from any one Juſtice of the Peace, with Coſts.

Perſons ſelling Meat, &c. to keep the Houſe clean, on Penalty of 2s. 6d.

VI. *And be it alſo Enacted*, That if any Perſon ſhall ſell or expoſe to Sale, any of the before mentioned Commodities within the Town or Peninſula of *Halifax*, or on board of any Veſſels in the Harbour thereof, until ſuch Commodities ſhall have been firſt carried to the Market Houſe, and there publickly expoſed to Sale, during the Market Hours; or if any Perſon or Perſons whatſoever ſhall preſume to ſell or Expoſe to Sale, on board any Veſſel in the Harbour, or in any Shop, or Stall within the Town and Suburbs of *Halifax*, (other than in the ſaid Market Houſe) any Butchers Meat or other the Commodities above mentioned, during the Market Hours herein before appointed; he ſhall forfeit a Sum not exceeding Five Pounds for every ſuch Offence; to be ſued for and recovered before any Two of His Majeſty's Juſtices of the Peace for the ſaid County: One Moiety to be paid by the ſaid Juſtices to the Treaſurer of the Province, for the Uſes of the Government, and the other Moiety to the Perſons who ſhall inform and ſue for the ſame.

Penalty £5. for ſelling Meat, &c. out of the Market, before it has been brought there and expoſed to Sale during Market Hours.

VII. *Provided always*, That nothing in this Act contained, ſhall debar the Agents or Contractors for Victualling his Majeſty's ſhips, and the Army, to import the neceſſary Proviſions for fulfilling their reſpective Orders or Contracts, without expoſing them to public Sale, as is herein before directed.

Not to extend to Contractors for victualling the Army and Navy.

VIII. *And be it further Enacted*, That all the Monies ariſing from the Rents of the ſaid Market Houſe, over and above the Keeper's Salary, ſhall be applied to the keeping the ſaid Market Houſe in proper Repair, under the Inſpection of the Clerks of the Market for the Time being; and the Surpluſage, if any be, is hereby granted to His Majeſty, and ſhall remain in the Hands of the ſaid Treaſurer, to be applied in the firſt Place, for building a public Slaughter Houſe, and thereafter for the Uſes of the Town of *Halifax* only.

Application of the Money raiſed by Stalls.

IX. 7.

Perſons coming from the Country with dead Meat, &c. may ſell the ſame at any Time to any Perſon, (not being a Butcher or Huckſter and may ſell the ſame in the MarketHouſe without any Expence for Stallage.

IX. 7. *Geo.* 3. *Ch.* 7. *It is Enacted*, That any Perſon coming from the Country with any Quantities of Dead Meat, Poultry and Pigs, alive or dead, Roots, Greens, and other Vegetables, ſhall have freeLiberty to ſell and diſpoſe of the ſame by Hand, in any of the Streets or Lanes of the Town of *Halifax*, to any of the Inhabitants of ſaid Town (not being Butchers or Huckſters) at any Time, whether within Market Hours or without, and that ſuch Perſons ſhall have free Liberty to carry the ſame to the Market Houſe, to be ſold and diſpoſed of there, without being put to any Expence for Stallage; any Law Uſage, or Cuſtom to the contrary notwithſtanding.

CAP. III.

An Act for appointing *Commiſſioners of Sewers.*

Preamble.

WHEREAS *great Quantities of Marſh, Meadows, and low Grounds, in the Province, and particularly in the* Bay of Fundy *and Rivers, Bays and Creeks, branching therefrom, are ſpoiled by overflowing of the Sea and other Waters, which by Induſtry may be greatly improved, as well for the General Good as for the Benefit and Profit of the Owners; and alſo much Meadow and Paſture Land might be gained out of Swamps, and other rough and unprofitable Grounds by drowning and draining the ſame: To the Intent therefore, that the new Settlers and other Proprietors of ſuch Marſhes, Meadows and low Grounds, may be encouraged and enabled to raiſe Dykes, and remove ſuch Obſtructions as prevent thoſe Lands from being immediately uſeful, Be it Enacted by His Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That it ſhall be in the Power of the Governor or Commander in Chief, with the Advice of His Majeſty's Council, upon Requeſt of any of the Proprietors of ſuch Lands, to grant Commiſſioners of Sewers, to ſuch and ſo many able and diſcreet Perſons as to them ſhall ſeem meet, for the building and repairing ſuch Dykes and Wears as are neceſſary to prevent Inundations; and alſo for the damming and flowing of Swamps, and other unprofitable Grounds, and draining of them: By which Commiſſions the ſaid Commiſſioners ſhall be impowered to meet and convene together from Time to Time as Occaſion may require, to view, conſider, conſult, and contrive ſuch Ways, and Methods for building and repairing ſuch Dykes and Wears, as are neceſſary to prevent Inundations, and for the drowning and draining of Swamps, and other unprofitable Grounds; and to employ Workmen and Labourers, for ſuch reaſonable Wages as may be agreed on, for the effecting the Premiſſes; and from Time to Time to aſſeſs and tax all ſuch Perſons as may or ſhall be Owners of ſuch Meadows, Marſhes, or ſuch unprofitable Swamps and Lands as aforeſaid, towards the Charge thereof, having Regard to each Perſon's Quantity of Land and Benefits to be received thereby, as equally, according

Commiſſioners of Sewers to be appointed by the Governor and Council,

their Power and Authority.

cording to their best Judgment, as they can; and also to appoint and swear a Collector or Collectors for the collecting, gathering, and paying the same, to such Persons as by the said Commissioners shall be appointed to receive it; with Powers to distrain all such Persons as shall neglect or refuse to make Payment of his, her, or their Parts or Proportions, set and assessed as aforesaid, in such Manner as is usually done in the like Cases; and to call before themselves the said Collector or Collectors, to account for his or their Trusts with Reference to the Premisses; and likewise to value such Repairs as may have been made to the said Wears and Dykes, by the present Settlers before the Date of their said Commissions, and to proportion an Assessment for Payment of the same by those who have been or may be benefited thereby, in the same Manner as if such Repairs had been made by their own Order, in Virtue of their said Commissions. 1. *Sid.* 145.

II. *And be it further Enacted by the Authority aforesaid*, That the said Commissioners shall be sworn for the faithful Discharge of their Trust and shall receive such Salaries out of the said Assessment, for their Time and Expences touching the Premisses, as the Governor and Council shall appoint, unto whom the said Commissioners shall be accountable, when they shall be thereto required. to be sworn and have Salaries.

III. 3. *Geo.* 3. *Ch.* 1. *Be it Enacted*, That upon Complaint being made on Oath, before any One of His Majesty's Justices of the Peace for the County where such Complaint lies, by the Collector or Collectors appointed by the Commissioners of Sewers, for the collecting or gathering the Assessments made by the said Commissioners, the said Justice upon such Complaint, is hereby impowered and authorized, to grant a Warrant under his Hand and Seal, directed to any One of the Constables for the said County, to levy of and from the Goods and Chattels of such Person or Persons so neglecting or refusing to pay his, her, or their Part or Proportion of such Assessment, by Distress and Sale of the said Goods and Chattels, the full Sum so assessed with Costs for prosecuting the same, which Costs shall not exceed the Sum of Five Shillings, and for want of Goods and Chattels to apprehend the Bodies of all such Delinquents, and commit them to safe Custody, till full Satisfaction and Payment be made as aforesaid. Justices impowered to grant Warrants for levying Assessments on the Goods, &c. of such as refuse to pay. with Five Shillings Costs.

IV. 5. *Geo* 3. *Ch.* 4. *Be it further Enacted*, That any Proprietor or Proprietors of any Lands dyked in, or drained, as directed in and by the before mentioned Act, being present and not having any Goods or Chattels, to answer his, her, or their Dividend or Proportion of any Assessment made by Commissioners of Sewers according to Law, it shall and may be lawful for any One of his Majesty's Justices of the Peace for the County where such Lands lie, to let out any Part of such Delinquent's Lands, that may be sufficient Delinquent Proprietor's Lands, to be let out by one Justice to pay their proportion for Dyking &c.

ficient to pay by the Produce of the ſame, any ſuch Dividend or Proportion of the Sum ſo due.

Lands of abſent Proprietors may be ſold, to pay their Proportion for dyking and draining the ſame, if no Diſtreſs can be found on the Premiſſes, &c.

V. 9. *Geo.* 3. *Ch.* 2. *It is Enacted*, That if no Perſon ſhall appear to pay the Dividend or Proportion of any delinquent Proprietor, in any Aſſeſſment made according to Law, for the dyking or draining ſuch Lands, or no ſufficient Diſtreſs ſhall be found on the Premiſſes to anſwer ſuch Aſſeſſment as aforeſaid, the Commiſſioners of Sewers ſhall, by Advertiſment, during three Months in the Public Prints, cauſe Notice to be given for the letting out the Lands of ſuch delinquent Proprietor, and if no Perſon ſhall then appear to hire the ſame, it ſhall and may be lawful for the ſaid Commiſſioners, or any three of them, to order the Sheriff or his Deputy, to ſell at Public Auction, to the higheſt Bidder, ſo much of ſuch Delinquent's Lands, ſo dyked in and drained, as may be ſufficient to pay any ſuch Dividend or Proportion of the Sum due as aforeſaid, with the Charges; being firſt appraiſed on Oath by three Perſons to be appointed by Warrant under the Hands and Seals of the ſaid Commiſſioners; and the Sheriff or his Deputy is hereby fully impowered and directed, immediately to execute a Deed thereof, and deliver Seizin and Poſſeſſion of the ſame to the Purchaſer or Purchaſers; (for which the ſaid Sheriff or his Deputy ſhall receive a Fee of Ten Shillings and no more) any Law, Uſuage or Cuſtom to the contrary notwithſtanding.

Owner &c. of Marſh Lands ſhall attend himſelf or ſend a ſufficient Labourer in common Caſes, to work in raiſing Dykes &c.

In Proportion to the Quantities of Lands he ſhall poſſeſs.

Oxen & Carts may be employed in lieu of Labourers.

VI. 8. *Geo.* 3. *Ch.* 9. *Be it Enacted by the Lieutenant Governor Council, and Aſſembly*, That from and after the Publication hereof, each and every Owner or Poſſeſſor of Marſh Lands in any Townſhip, Diſtrict, or Place, within this Province, (where Commiſſioners of Sewers are appointed) ſhall in all common Caſes, either in raiſing new or repairing old Dykes, or draining Lands, attend either by himſelf or provide a ſufficient Labourer with proper Tools, to work at the Time and Place appointed by the ſaid Commiſſioners of Sewers, agreeable to the Rules and Regulations made for that purpoſe; and when it ſhall happen that any Owner or Poſſeſſor of any ſuch Marſh Lands in any Townſhip, Diſtrict, or Place, ſhall have, occupy, or receive, the Produce of a greater Quantity of ſaid Lands than one Right or Share, in ſuch Marſh, that then and in ſuch Caſe every Owner or Poſſeſſor ſhall furniſh a Number of Labourers in Proportion to their reſpective Quantities of Lands, as agreed on by the Commiſſioners of Sewers: And where it may be neceſſary to employ Oxen or Carts, for the more expeditiouſly carrying on their Work, each and every Owner or Poſſeſſor of ſuch Lands, who have Oxen or Carts, ſhall in like Manner be obliged to attend with, or ſend ſuch Oxen or Carts for the Work aforeſaid, and in the aforeſaid, Proportion, in Lieu of Labourers.

II. *Provided*

VII. Sect. 2. *Provided always*, That such Owner or Possessor of such Lands to be dyked or drained, shall have at least *Six Days* Notice of the Time and Place where such Work is required to be done, by one or more of the Commissioners of Sewers, or by some Person appointed by them for that Purpose.

Six Days Notice to be given of the Time and Place where the work is to be done.

VIII. Sect. 3. *And be it further Enacted*, That in Case of any sudden Breach in any Dyke, or where any Breach is likely to be made or Inundation occasioned by Storms, high Tides, or otherwise, each and every Owner or Possessor of Land within such Dykes shall immediately, on Notice being given by any one or more of the Commissioners of Sewers or Persons appointed by them, repair to the Place directed, with proper Tools, to labour and use their utmost endeavours to repair such Breach or Place likely to be a Breach; and shall continue to work from Day to Day on the same, so long as the Commissioners of Sewers shall judge it absolutely necessary, for preserving the Land and Produce within such Dyke from Damage.

In case of any sudden Breach in any Dyke &c. every Owner or Possessor of Lands within such Dyke, shall immediately repair to the Place directed, and endeavour to repair such Breach, &c.

IX. Sect. 4. *And be it also Enacted*, That if any Owner or Possessor of any Marsh or Dyke Lands within any Township, District, or Place withing the Province as aforesaid, shall neglect or refuse to attend and labour, or to send a sufficient Number of Labourers at the Time and Place to be appointed by the Commissioners of Sewers as aforesaid, in Proportion to the Quantity of Land in his or their Possession, (due Notice having been given as aforesaid) each and every delinquent Owner or Possessor of such Lands shall forfeit and pay, over and above the Assessment or Tax to be made by virtue of the aforementioned Act, the Sum of Five Shillings for every Day's Neglect or Refusal for each and every Labourer such Owner or Possessor of such Lands ought to have sent. And if such Owner or Possessors of such Lands shall neglect or refuse to attend and labour, where any sudden Breach shall happen, or be likely to happen to any such Dykes, on immediate Notice given to such Owner or Possessor such Delinquent Owner or Possessor shall forfeit and pay the Sum of Ten Shillings for each Day's Neglect, for each and every Person which should have been sent by him, and so in like Proportion for Oxen and Carts; to be recovered by Warrant of Distress, on Conviction before any one of His Majesty's Justices of the Peace for the County where the Offence shall be committed, and for want of Goods and Chattels to satisfy such Distress and Charges, the Lands of such Delinquent, or so much as shall be sufficient, shall be held and let out by said Justice until the Produce thereof shall amount to the Fine and Charges so levied, in the same Manner as is directed by Law for a Delinquent's Proportion of Assessments or Taxes for making and repairing Dykes, and the Monies arising from such Fines to be paid into the Hands of the Commissioners of Sewers to be appropriated for the making and repairing Dykes, in the Township, District, or Place, where the same shall be recovered.

Penalties on Owners or Possessors of Marsh or Dyke Lands, refusing or neglecting to labour

To be recovered before any Justice of the Peace for the County.

and appropriated for making and repairing Dykes.

When the Sods or Soil are cut off the Land of any Proprietor, in any tract of Marſh-Land, dyked in common for making Dykes, or, that the Land of any Proprietor is waſhed away, and he ſhall looſe a part or whole of his Lot, for the making Dykes to ſecure the piece of Marſh Land ſo held in common

the Commiſſioners of Sewers ſhall cauſe a valuation to be made of the Loſs ſuſtained;
and the ſame ſhall be made good by an Aſſeſſment, or by other Lands.

X. 21. *Geo.* 3. *Ch.* 3. *Be it Enacted, by the Lieutenant-Governor Council and Aſſembly*, That when it ſhall appear that the Sods or Soil ſhall have been cut off the Land of any Proprietor, in any Tract of Marſh-Land dyked in common with other Proprietors, for the Purpoſe of dyking in the ſame, or, that the Land of ſuch Proprietor ſhall have been waſhed away by the Tide or Current of the River, and that by the making of new Dykes, to ſecure the ſaid Piece or Tract of Marſh-Land ſo held in Common, ſuch Proprietor ſhall have loſt a Part or the whole of his Lot, it ſhall and may be lawful for the Commiſſioners of Sewers of the Townſhip, to cauſe a juſt Valuation to be made of the Loſs, ſuch Proprietor ſhall have ſuſtained as aforeſaid, which Valuation ſhall be made by at leaſt five Freeholders, not intereſted in the Piece or Tract of Marſh, where ſuch Loſs ſhall have been ſuſtained, who ſhall be ſworn truly and impartially to Value the ſame; and if it ſhall happen that there is in ſuch Tract or Piece of Marſh-Land, a ſufficient quantity thereof, lying in Common and undivided, to make good the Loſs ſo ſuſtained, the Commiſſioners of Sewers ſhall decree Poſſeſſion thereof, or ſo much thereof as is ſufficient to make good the ſame to ſuch Proprietor; or, on failure of ſuch undivided Land, by an Aſſeſſment for the Value thereof, to be paid in a juſt Proportion among the other intereſted in ſuch Piece or Track of Marſh-Land.

Appeal to the Governor and Council.

XI. *Provided always*, That any Perſon thinking himſelf aggrieved at any Procedure had or made by the ſaid Commiſſioners, or any others in Purſuance of this Act, may appeal therefrom to the Governor and Council for Relief, who are hereby impowered to order the Poſſeſſion of all ſuch Lands as are held for Payment of the Aſſeſſments beforementioned, to be reſtored to the Proprietor on Proof before them, that the ſaid Aſſeſſments have been received out of the Profits of the ſame.

CAP. IV.

An ACT for encouraging the Improvement of Lands in the Peninſula of *Halifax*, and further quieting of Poſſeſſions.

Preamble.

WHEREAS *great Inconveniencies and Prejudices have ariſen, on Account of not improving the Lands on the Peninſula of* Halifax: *And Whereas by the Abſence of ſeveral Grantees, and the Neglect and Death of others, many of the Lots lie waſte: In order therefore to encourage the Improvement of the Lands within the ſaid Peninſula, Be it Enacted by his Excellency the Governor, Council, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That in all Caſes where the Grantees of Lands within the ſaid Peninſula, have been

Lands within the Peninſula of *Halifax*, not improved for ſeven Years paſt

been Absent from the Province, or have lived therein, for the Space of Seven Years, and no Improvement made thereon for that Time; and likewise in such Cases where any Grantees of Lands are dead, and no Persons in Right of such Grantees have claimed said Lands; it shall and may be lawful, upon an Inquest of Office, on the Oaths of Twelve Men sworn for that Purpose, held before the Commissioner of Escheats and Forfeitures, according to the Commission to him granted *, and duly returned into the Office of Register of the Court of Chancery, for the Governor, or Commander in Chief for the Time being, with the Advice and Consent of His Majesty's Council, to make Grants and Conveyances of such Lands so returned, which Grants and Conveyances shall be good, valid, and effectual, to all Intents and Purposes whatsoever.

may be granted by the Governor and Council.

* *This Reference seems to establish the Commission in toto, and not for the particular Purposes of absent Grantees, &c.*

II. *Provided*, That it shall and may be lawful, for all Persons interested or intitled to such Lands as are comprized in said Office, to traverse the same, within Twelve Months from the Date of such Inquest. And if the said Office shall not be traversed within said Time, the Grant of said Lands, by Virtue of such Inquest, by the Governor or Commander in Chief, with Advice as aforesaid, shall be absolute according to the Form and Effect of such Grant.

Persons interested in such Lands may traverse within 12 Months, otherwise the Grant to be absolute.

III. *And Whereas it may be doubtful, whether the Registry of Lots of Land (granted simply as Lots without any formal Conveyance under the Seal of the Province) within the said Peninsula of* Halifax, *or elsewhere in this Province, import a Conveyance in* Fee Simple *to the Persons in whose Names the same are registred: For the quieting such Persons in their Possessions, Be it Enacted by the Authority aforesaid*, That all and every Person, having a Right to claim by Virtue of such Registry, (excepting the Persons absent or neglecting to improve as aforesaid, shall be intitled to a full and absolute Estate in *Fee Simple*, in the Lands so registred, any want of Form in the said Registry notwithstanding.

Registry of such Lands to be a Fee Simple.

CAP. V.

An ACT for regulating the *Common* belonging to the Township of *Lunenburg*.

Preamble.

WHEREAS *His Excellency the Governor has granted and set apart, a Tract of Land lying in the Peninsula of* Lunenburg, *to serve as a* Common *for the Inhabitants of said Town; And Whereas it is necessary, That some Regulations should be made by proper Persons, for the common Benefit of the said Inhabitants from Time to Time, as their Situation and Circumstances may require, Be it therefore Enacted by His Excellency the Governor, Council, and Assembly and by the Authority of the same it is hereby Enacted*, That the Justices in their *Quarter Sessions*, to be next held in March for the said Town and County,

Grand Jury, at March Seſſions, to make Regulations for the Common, for One Year, to be approved by the Juſtices.

ty, ſhall give it in Charge to the Grand Jury then and there ſummoned, to affix and ſettle ſuch Regulations, as they may think moſt proper and convenient to be obſerved and followed by the Inhabitants of *Lunenburg*; to continue for One Year, from ſuch Seſſion; and ſuch Regulations, as ſhall be approved of by the Juſtices of ſaid Seſſions, ſhall be and are hereby declared to be the ſtated Rules, to be kept, obſerved, and followed with Relation to the ſaid Common, by the aforeſaid Inhabitants, for and during the Space aforeſaid.

The like to be done Annually at March Seſſions.

II. *And be it further Enacted*, That the ſaid Juſtices ſhall, in the like Manner at their Annual Seſſions, thereafter to be held in March, proceed and give in Charge to the Grand Jury in Manner aforeſaid, and ſettle and approve of ſuch Rules and Regulations for the ſaid Common, to ſerve for the Year then next enſuing, as to them ſhall appear moſt proper and convenient.

Juſtices to appoint Penalties for not obeying ſuch Regulations.

III. *And be it alſo further Enacted*, That the ſaid Juſtices ſhall be, and are hereby impowered to ſettle, and appoint ſuch Pains and Penalties, to be inflicted upon the Perſon or Perſons, who ſhall neglect or refuſe to obey the Rules and Regulations ſo to be ſettled at the ſaid Annual Seſſions of the Peace, as to them ſhall appear to be juſt and equitable.

Not to exceed 40s.

IV. *Provided*, That ſuch Pains or Penalties to be inflicted, ſhall not exceed the Sum of Forty Shillings each.

CAP. VI.

An ACT for building a publick *Slaughter Houſe* in the Town of *Halifax*, and for regulating the ſame.

Preamble.

WHEREAS the killing of Cattle, Swine, and Sheep, within the Town of Halifax, *by the Butchers at their Houſes and Shops, is become a public Nuſance, occaſioned by the Dung and Garbage being thrown into the Streets; Be it therefore Enacted by His Excellency the Governor, Counſil, and Aſſembly, and by the Authority of the ſame it is hereby Enacted*, That there ſhall be erected and built a Slaughter Houſe upon the Beach, ſet apart for that Purpoſe by his Excellency; which Houſe, when built, ſhall be for the public Uſe of all People, who may have Cattle to kill for Sale at the public Market only; and His Excellency the Governor or Commander in Chief for the Time being, is hereby impowered to cauſe the ſaid Slaughter Houſe to be built, and of ſuch Dimenſions as to him ſhall appear to be of ſufficient Extent, Uſefulneſs, and Conveniency for the Purpoſes aforeſaid.

A Slaughter Houſe to be built for the uſe of the Perſons killing Cattle for Sale at the Public Market.

II. *And*

No Cattle &c. to be killed, except at ſuch Slaughter Houſe, on Penalty of 20s. for each Beaſt.

II. *And be it further Enacted*, That as ſoon as the ſaid Slaughter Houſe is finiſhed, which ſhall be made public, no Cattle, Swine, or Sheep of any Kind, ſhall be killed within the Town and Suburbs of *Halifax* for public Sale, excepting at the ſaid Slaughter Houſe: And all Perſons acting contrary hereunto, ſhall forfeit and pay a Sum not exceeding Twenty Shillings for every Beaſt ſo killed, to be levied by any One of His Majeſty's Juſtices of the Peace, upon View of the ſame, or recovered by the Oath of One credible Witneſs, before any One of His Majeſty's Juſtices of the Peace for the ſaid Town, for the Uſe of the Poor.

For the uſe of the Poor.

Not to extend to Private Slaughter Houſes already built upon the Water.

III. *Provided*, That nothing herein contained ſhall debar any Perſon or Perſons, who have private Slaughter Houſes ſituated upon the Water on any Wharf in the Harbour, from uſing their ſaid Slaughter Houſes, if upon Return made by the Keeper of the Market Houſe, it appears at the next Quarter Seſſions to be inoffenſive to the Public.

Keeper of the Market Houſe to have the Care of the Slaughter Houſe.

IV. *And be it alſo further Enacted*, That the Keeper of the Market Houſe ſhall have the Care of the ſaid Slaughter Houſe, and ſhall viſit the ſame at leaſt thrice a Week; and ſhall cauſe the Perſons who make uſe thereof to keep it clean and ſweet, and to deprive ſuch Perſons, who ſhall refuſe ſo to do, of the Uſe thereof until they comply therein; and ſhall alſo be impowered to ſue any Perſon or Perſons, from whom the Building may have ſuffered Damage, who ſhall be obliged to make ſufficient Repairs of ſuch Damage to his Satisfaction.

At

At the GENERAL ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at *Halifax*, on the *Firſt* Day of *July*, *Anno Domini* 1761, and in the *Firſt Year* of the Reign of Our Sovereign Lord GEORGE the Third, of *Great-Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. being the Firſt Seſſion of the Third *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT for the better Obſervation and keeping of the *Lord's Day*.

Eng. Stat. 29. *Car.* 2. *c.* 7.

BE *it Enacted by the Honourable the Commander in Chief, the Council, and Aſſembly*, in order that all Perſons may on the *Lord's Day*, apply themſelves to Duties of Religion and Piety, both publickly and privately, no Tradesman, Warehouſe Keeper, Shopkeeper, or other Perſon whatſoever ſhall, for the future, open his, her, or their Shop or Warehouſe; or either by himſelf or herſelf, or by his or her Servant or Servants, Child or Children, ſell, expoſe or offer to Sale, upon any Bulk, Stall, or Shed, or ſend or carry out, any Manner of Goods or Merchandize, on the *Lord's Day* or any Part thereof. *Provided nevertheleſs*, that this Act ſhall not extend to prohibit any Perſons from ſelling or expoſing to Sale, Milk and Freſh Fiſh, before the Hour of Nine of the Clock in the Morning, and after Five of the Clock in the Afternoon on the ſaid Day,

No Tradeſmen, &c. to open his Shop or ſell any Goods, on the Lord's Day.

Milk and freſh Fiſh excepted.

II. *And be it further Enacted*, That no Perſon whatſoever for the future, ſhall do or exerciſe any Labour, Work or Buſineſs, of his or their ordinary Callings, or other wordly Labour, or ſuffer the ſame to be done, by his or their Servant or Servants, Child or Children, either by Land or by Water, (Works of Neceſſity and Charity only excepted) or uſe or ſuffer to be uſed any Sport, Game, Play or Paſttime, on the *Lord's Day* or any Part thereof, upon Pain, that every Perſon or Perſons ſo offending in any of the Particulars before-

No Labour to be done on the Lord's Day.

beforementioned, upon Conviction thereof upon the Oath of One credible Witneſs, before any One of His Majeſty's Juſtices of the Peace, of this Province, or upon view of any Juſtice of the Peace, for every ſuch Offence ſhall forfeit, and pay the Sum of Ten Shillings.

Eng. Stat. 1. Car. 1. c. 1.

III. *And be it further Enacted*, That no Tavern Keeper, Retailer of Spirituous Liquors, Vintner, or other Perſon keeping a public Houſe of Entertainment within this Province, ſhall for the future on any Pretence whatſoever, entertain or ſuffer any of the Inhabitants or Town Dwellers of *Halifax*, or any of the Towns reſpectively where ſuch Tavern Keepers, Retailers of Spirituous Liquors, Vintners, or other Perſons keeping public Houſes of Entertainment, reſpectively dwell, or others not being Strangers or Lodgers in ſuch Houſes, or ſuch as come thither for neceſſary Dieting and Victualling only, to abide or remain in their Dwelling Houſes, Out Houſes, or Yards, drinking or idly ſpending their Time on the *Lord's Day*; but ſhall keep their Doors ſhut during the Time of Divine Service, on Penalty of forfeiting and paying the Sum of Ten Shillings, for every Perſon or Perſons reſpectively ſo found drinking or abiding in ſuch public Houſes or Dependencies thereof as aforeſaid; and every ſuch Perſon or Perſons, who ſhall be found ſo drinking or abiding in any ſuch public Houſe or Dependencies thereof as aforeſaid, ſhall reſpectively forfeit and pay the Sum of Five Shillings.

Eng. Stat. 29. Car. 2. c. 7. Sect. 5.

Tavern Keepers, &c. to forfeit 10s. for every Perſon found drinking in their Houſes on the Lord's Day.

Perſons drinking, &c. therein forfeit 5s.

IV. *And be it further Enacted*, That the Church Wardens * and the Conſtables, or any One or more of them, ſhall once in the Forenoon, and once in the Afternoon, in the Time of Divine Service, walk through the Town to obſerve and ſuppreſs all Diſorders, and apprehend all Offenders whatſoever contrary to the true Intent and Meaning of this Act: And they are hereby authorized and impowered to enter into any public Houſe of Entertainment, to ſearch for any ſuch Offenders, and in Caſe they are denied Entrance, they are hereby impowered to break open, or cauſe to be broke open, any of the Doors of the ſaid Houſe, and enter therein; and all Perſons whatſoever are ſtrictly required and commanded to be aiding and aſſiſting to any Conſtables or other Officers in their Execution of this Act, on the Penalty of Ten Shillings Current Money for every Neglect.

* *Can.* 90.

Churchwardens, &c. to walk through the Town in Time of Divine Service, to ſuppreſs Diſorders.

V. *And be it further Enacted*, That if any Perſon or Perſons whatſoever, being of the Age of Twelve Years or upwards, being able of Body, and not otherwiſe neceſſarily prevented by real Sickneſs, or other unavoidable Neceſſity, ſhall for the Space of Three Months together, abſent himſelf or herſelf from the publick Worſhip on the *Lord's Day*, ſhall be ſubject to a Fine (*that is to ſay*) for every Head of a Family Ten Shillings, and for every Child or Servant Five Shillings, to be recovered, upon Complaint, before any One of His Majeſty's Juſtices of the Peace, who is hereby impowered to cauſe the ſame to be levied.

Penalty for not attending Divine Service once in three Months.

Fines to be to the Uſe of the Poor.

VI. *All Fines and Penalties* incurred by this Act are to be to the Uſe of the Poor of the Town where ſuch Offence is committed; and the Juſtice and Juſtices before whom any Perſon or Perſons ſhall be convicted of offending againſt this Act, are required to make a Record thereof, in a Book to be kept by him or them.

Proſecution in ten Days.

VII. *Provided*, That no Perſon ſhall be proſecuted for any Offence beforementioned, unleſs they be proſecuted for the ſame within Ten Days after the Offence committed.

Penalties to be levied by Warrant of Diſtreſs from any Juſtice.

VIII. *And be it further Enacted*, That every Juſtice of the Peace ſhall have full Power and Authority, to levy the Penalties herein before reſpectively mentioned, in Caſe the ſame ſhall not, upon Conviction, be paid by the Offender or Offenders, by Diſtreſs and Sale of the Offender or Offenders Goods and Chattels with Coſts; and in Default of Diſtreſs, to commit ſuch Offender or Offenders to the common Goal of the County, there to remain in cloſe Confinement for a Time not exceeding Forty eight Hours, nor leſs than Twenty Four Hours.

in Default of Diſtreſs, the Offender to be committed.

Act to be read four Times a Year at the Seſſions, and twice at Church.

IX. *And be it further Enacted*, That this Act ſhall be publickly read Four Times in every Year, *viz* At the opening of every *Court of General Seſſions of the Peace*, immediately after the Grand Jury are ſworn: And alſo twice every Year, *viz.* On every Firſt Sunday of December, and on every Firſt Sunday in June, in all public Places of Worſhip within this Province, immediately after divine Service.

CAP. II.

An ACT for the regiſtring of Marriages, Births and Deaths.

Preamble.

FOR *preventing of great Uncertainty and Inconvenience, that may happen for Want of a Regiſter of Marriages, Births and Deaths, Be it Enacted by the Honorable the Commander in Chief, Council and Aſſembly*, That in every Townſhip within this Province, where no Pariſh ſhall be eſtabliſhed, the TownClerks, who are hereby appointed Regiſters of Marriages, Births and Deaths, in their reſpective Townſhips, ſhall, and they are hereby impowered and required to take an Account of all Perſons that ſhall be married, or that ſhall be born or ſhall die, within each Townſhip reſpectively, and fairly to regiſter in a Book their Names and Sirnames, as alſo the Names and Sirnames of their Parents, with the Time of their being married, or of their Birth and Death; and the Regiſter ſhall demand and receive the Fee of One Shilling, and no more, for each and every

Town Clerk, in every Townſhip where no Pariſh is eſtabliſhed, to RegiſterMarriages, &c.

Regiſtry

Regiſtry by him ſo entered, to be paid by the Perſons who ſhall be marric', and by the Parents or other neareſt of Kin to, or concerned with the Party born or dying. And if any ſhall refuſe or neglect to give Notice to the ſaid Regiſter, of the Marriage by the Perſons themſelves, or of the Birth or Death of any Perſon that they are ſo related to or concerned for, or to pay for Regiſtring as aforeſaid, within the Space of Thirty Days next after ſuch Marriage, Birth or Death; every Perſon ſo refuſing or neglecting, and being (upon the Complaint of any Regiſter) thereof convicted before One of His Majeſty's Juſtices of the Peace within the ſame County, ſhall forfeit and pay unto ſuch Regiſter, the Sum of Five Shillings; to be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant from ſuch Juſtice, if Payment be not made within Four Days next after Conviction as aforeſaid. And every ſuch Regiſter ſhall give forth from the Regiſtry a fair Certificate under his Hand, of Perſons married, born, or dying in the Townſhip, to any who ſhall deſire the ſame; and he ſhall receive One Shilling and no more, for every Certificate ſo given.

Penalty 5s. Perſons not giving Notice of Marriages, &c. or refuſing to pay the Clerk's Fee.

A certificate to be given by the Clerk, when required.

II. 22. Geo. 3. Ch. 3. Sect. 2. *And be it Enacted*, That the ſaid Town Clerk of each Townſhip reſpectively, ſhall apply to the ſeveral Miniſters in ſuch Townſhip, for a liſt of all ſuch Marriages, Births, or Deaths recorded by them, before the making this Act, and from Time to Time hereafter, and to enter the ſame in a Book kept for that purpoſe.

Town Clerk to apply to Miniſters for a liſt of ſuch Marriages, &c. recorded by them.

III. *And be it further Enacted*, That the Regiſtry ſo kept, ſhall be ſufficient Evidence in any Court of Record within this Province.

Regiſtry to be Evidence.

CAP. III.

An ACT for preventing Damages by unſeaſonable burning, or Firing of the Woods.

WHEREAS ſetting on Fire the Woods and Underbruſh, in the dry Seaſon of the Year, by ſpreading, has done much Damage in the burning Houſes, Fences, Hay, &c. And Whereas in the preſent Situation of the new Settlements, it may be neceſſary that ſuch Regulations ſhould be made, as will be moſt convenient and uſeful for clearing the Lands with the leaſt Riſk, Be it therefore Enacted by the Honorable the Commander in Chief, Council, and Aſſembly, That the Juſtices in the ſeveral Counties within this Province, in their *Quarter Seſſions* to be next held in March for the ſaid Counties, ſhall give it in Charge to the Grand Juries, then and there ſummoned, to affix and ſettle ſuch Regulations within their reſpective Counties, as they may judge moſt proper and convenient, to be obſerved and followed by the ſeveral Inhabitants within the ſaid Counties, for preventing Damage by ſetting Fire to, and burning the Woods, Underbruſh, or Marſh Lands

Preamble.

Grand Jury, at March Seſſions, to make Regulations, with the Approbation of the Juſtices, for preventing burning the Woods, &c.

Lands at unſeaſonable Times, with as little Prejudice as poſſible to the clearing of Lands in the New Settlements. And ſuch Rules and Regulations as ſhall be approved of by the Juſtices of the ſaid Seſſions, ſhall be, and are hereby declared to be the ſtated Rules to be kept, obſerved, and followed by the Inhabitants of the ſaid ſeveral Counties, for and during the Space of Twelve Months thereafter.

to be in force for Twelve Months.

II. *And be it further Enacted*, That the ſaid Juſtices ſhall in like Manner at their Annual Seſſions, thereafter to be held in March, proceed and give in Charge to the ſeveral Grand Juries in Manner aforeſaid, and ſettle and approve of ſuch Rules and Regulations for the Purpoſes aforeſaid, to ſerve for the Year then next enſuing, as to them ſhall appear moſt proper and convenient.

The ſame to be done Annually.

III. *And be it alſo Enacted*, That the ſaid ſeveral Juſtices in their *Quarter Seſſions* as aforeſaid, ſhall be and are hereby impowered, to ſettle and appoint ſuch Pains and Penalties to be inflicted upon the Perſon or Perſons, who ſhall neglect or refuſe to obey the Rules and Regulations ſo to be ſettled at the ſaid Annual *Seſſions of the Peace*, as to them ſhall appear to be juſt and equitable.

Penalties to be ſettled by the Juſtices.

IV. *Provided*, That ſuch pecuniary Penalties to be inflicted, ſhall not exceed the Sum of Five Pounds; and that the Proſecution for any Offence againſt this Act, be commenced and proſecuted within the Space of Three Months after the Offence committed.

Not to exceed £5.

Proſecution in three Months.

CAP. IV.

An ACT to prevent the ſpreading of contagious Diſtempers.

BE it *Enacted by the Honorable the Commander in Chief, the Council and Aſſembly*, That every Veſſel coming into the Port of *Halifax*, having any Perſon on board infected with any Plague, Small Pox, Malignant Fever, or other contagious Diſtemper, ſhall anchor at leaſt Two Miles below the Town of *Halifax*, towards the Sea, and on her anchoring ſhall hoiſt an Enſign with the Union downwards at the Main Top Maſt Head; and the Maſter thereof ſhall not permit any of the Mariners or Paſſengers belonging to or coming in ſuch Veſſel, to land: And the ſaid Maſter ſhall be obliged, within Twenty Four Hours after his Arrival, to give Notice thereof to the Governor, Lieutenant Governor, or Commander in Chief for the Time being, of the State, Condition, and Number of the Sick Perſons on board his Veſſel, and ſhall conform himſelf to ſuch Orders and Directions as he ſhall receive from the Governor, Lieutenant Governor, or Commander in Chief, both for the performing Quaren-

Maſters of Veſſels directed how to conduct themſelves on their Arrival in the Port of Halifax, having Perſons on board infected with any contagious Diſtemper.

Quarentine, for the Airing and Cleanſing the Paſſengers, Veſſel, and Goods on board, and for removing the infected and Sick Perſons out of the ſaid Veſſel.

and to give Security for paying the Charges of removing them, &c.

II. *And be it further Enacted*, That before any ſuch ſick or infected Perſons be put on Shore, the Maſter of ſuch Ship or Veſſel ſhall give Security for the Payment of the Charge of removing them on Shore, and alſo for the neceſſary Refreſhments, Medicines, and Attendance, which ſhall be ordered and directed by the Governor, Lieutenant Governor, or Commander in Chief.

Penalty £ 100. for not conforming to this Act.

III. *And be it further Enacted*, That any Maſter or Maſters of any Veſſel or Veſſels, who ſhall not conform themſelves to the Rules and Directions preſcribed by this Act, ſhall be liable to pay a Fine not exceeding One Hundred Pounds, on due Conviction thereof, to be recovered by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record.

Powers of Juſtices of the Peace at other Towns.

IV. *And be it further Enacted*, That for the preventing any infectious Diſtempers from being brought into, and ſpreading in any of the other Towns within this Province, any One or more Juſtices of the Peace, reſiding within or neareſt to ſuch Town within this Province, where any Veſſel infected with the Small Pox or Infectious Diſtemper, ſhall arrive, ſhall forthwith take care to prevent and reſtrain all Perſons belonging to or tranſported in ſuch Ship or Veſſel, from coming on Shore; or if any be before on Shore, to ſend them on board again; as alſo to reſtrain Perſons from going on board ſuch Ship or Veſſel, and to that End may make out a Warrant directed to the Conſtable of any ſuch Town, who are accordingly impowered and required to execute the ſame; and ſuch Juſtice or Juſtices are forthwith to tranſmit the Intelligence thereof, to the Governor, Lieutenant Governor, or Commander in Chief, for their Direction and Order thereon.

When any Perſons, come from any Place infected with Plague, Small Pox, &c.

on ſufficient Evidence and Teſtimony of Phyſicians, &c.

Two or more Juſtices with Overſeers of the Poor to take care and make effectual Proviſion for the preſervation of the Inhabitants.

V. 16. *Geo.* 3. *Ch.* 2. *Be it Enacted, by the Governor, Council and Aſſembly*, That for the better preventing the ſpreading of Infection when it ſhall happen that any Perſon or Perſons coming from abroad, or belonging to any Town or Place within this Province, viſited, or that late before, have been viſited with the Plague, Small Pox, peſtilential or malignant Fever, or other contagious Sickneſs, the Infection whereof may probably be communicated to others, Two or more of the Juſtices of the Peace, together with the Overſeers of the Poor, of ſuch Town, are hereby impowered, upon full and ſufficient Evidence and Proof being made to ſuch Juſtices and Overſeers of the Poor, and after taking the Teſtimony of One or more Phyſician, Surgeon or Apothecary, living and reſiding in, or near ſuch Townſhip or Place, to take care and make effectual Proviſion in the beſt Manner they can, for the Preſervation of the Inhabitants, and of ſuch Sick

Sick or Infected Perſons to remove themſelves or be removed by Juſtices and Overſeers of the Poor.

or Infected Perſon or Perſons ſhall not remove himſelf, or themſelves, or be removed by his or their Parents or Maſters, to ſuch Place as the Juſtices and Overſeers of the Poor, ſhall think fit and proper, provided the ſame be within ſuch Townſhip or Place, it ſhall and may be lawful for the ſaid Juſtices and Overſeers of the Poor to remove and place ſuch Sick or Infected Perſon or Perſons to, and in a ſeperate Houſe or Houſes as aforeſaid, and by providing Nurſes, Attendance and other Aſſiſtance, and Neceſſaries for them at the Charge of the Parties themſelves, their Parents or Maſters, if able, or otherwiſe at the Charge of the Town or Place whereto they belong. And in Caſe it ſhall happen, that any Perſon or Perſons ſhall be viſited with any ſuch Small Pox, malignant Infection or Sickneſs, in any other Town or place than that whereto they belong, and thereby Occaſion a Charge to ſuch Town, the Overſeers of the Poor ſhall lay the Account thereof before the Juſtices in the Court of *General* or *Special Seſſions of the Peace*, held for the County or Diſtrict, where ſuch Town lies, whereto ſuch Perſon or Perſons belong, and the Juſtices having adjuſted the Account of ſuch Charge, and allowed ſo much thereof as they judge reaſonable, ſhall order Payment thereof to be made by the Overſeers of the Poor, when the Perſons themſelves, their Parents, or Maſters, are unable to pay the ſame, and when it ſhall happen that ſuch indigent Perſons, are not Inhabitants or belonging to any Town or Place within the Province, and the Proper Charge thereof, in Caſe they need Relief, being adjuſted as aforeſaid, then the Charge of their Sickneſs ſhall be defrayed out of the public Treaſury of the Province, by Warrant from the Governor, Lieutenant Governor or Commander in Chief on the Certificate of the ſaid Juſtices.

Charge occaſioned by Perſons belonging to any other Town who ſhall be Sick with Small Pox, &c. and who are unable to pay the ſame, to be paid by Overſeers of the Poor of Town where they belong.

and when ſuch Perſons do not belong to any Town ſuch Charge to be paid by the Treaſurer of the Province.

Rules to be obſerved by Perſons who ſhall inoculate themſelves or Families.

V. *Provided*, That any Perſon or Perſons deſirous of being inoculated (for the Small Pox) themſelves, or of having their Families inoculated, may proceed therein, provided, that the Houſe or Place wherein they dwell or reſide, during the Time of their being infected with the Small Pox, ſhall be at leaſt One Hundred and Sixty Rods Diſtance from any other Houſe or Dwelling, and that they take Care to prevent and reſtain all Perſons infected from going from thence further than Eighty Rods from ſuch Houſe, and alſo that ſuch their Deſign of Inoculation be made known in the Townſhip where they dwell, and a Flag hung out at their ſaid Houſe, to the end that all Perſons may take Notice thereof, and avoid if they ſee cauſe going near ſuch Houſes or Places.

Nothing in this Act to extend to Town of *Halifax*.

VI. *Provided alſo*, That nothing in this Act contained, ſhall be conſtrued to extend to the Town of *Halifax*.

CAP. V.

CAP. V.

An ACT to enable Creditors to receive their juſt Debts, out of the Effects of their abſent or abſconding Debtors.

BE it *Enacted by the Honorable the Commander in Chief, the Council, and Aſſembly*, That it ſhall and may be lawful for any Perſon intitled to any Action for any Debts, Dues or Demands whatſoever, againſt any Perſon abſconding or abſent out of this Province, to cauſe the Goods and Eſtate of ſuch abſconding or abſent Perſon to be attached, in whoſe Hands or Poſſeſſion ſoever the ſame are, or may be found: And the Attaching of any Part thereof ſhall ſecure and make the Whole, that is in ſuch Perſon's Hands, liable in the Law to reſpond the Judgment to be recovered upon ſuch Proceſs, if ſo much there be, and no further, and ſhall be ſubjected to be taken in Execution for Satisfaction thereof, or ſo far as the Value thereof will extend, and the Perſon in whoſe Hands they are ſhall expoſe them accordingly.

Goods and Eſtates of abſconding Debtors may be attached, and

ſubject to Execution.

II. *And be it further Enacted*, That where no Goods or Effects of ſuch abſent or abſconding Perſon in the Hands of his Attorney, Factor, Agent, or Truſtee, ſhall be expoſed to view, or can be come at ſo as to be attached, it ſhall and may be lawful to and for any Perſon intitled to any ſuch Action as aforeſaid, to file a Declaration againſt ſuch abſent or abſconding Perſon, in the Clerk's Office of the *Supreme Court*, or of the *Inferior Court of Common Pleas* in the ſame County where ſuch Factor, Agent, or Truſtee lives, therein particularly ſetting forth his Debt and Damage, how and for what Cauſe it ariſes; and to cauſe the Attorney, Factor, Agent or Truſtee, of ſuch abſent or abſconding Perſon, to be ſerved with a Summons out of the Office, annexed to the ſaid Declaration, Fourteen Days before the Sitting of the Court, for his Appearance at ſuch Court; which being duly ſerved, and Return thereof made under the Officer's Hand, ſhall be ſufficient in the Law to bring forward a Trial, without other or further Summons, unleſs the Principal be an Inhabitant, or hath for ſometime had his Reſidence within this Province, in which Caſe a like Summons with an atteſted Copy of the Declaration annexed, ſhall alſo be left at his Dwelling Houſe, Lodging or Place of his laſt and uſual Abode, Fourteen Days before the Sitting of the Court; and ſuch Attorney, Factor, Agent, or Truſtee, upon his Deſire, ſhall be admitted to defend the Suit on behalf of his Principal throughout the Courſe of the Law, and an Imparlance ſhall be granted of Courſe at two Terms ſucceſſively, that he may have an Opportunity to notify his Principal thereof; and at the third Term, without ſpecial Matter alledged and allowed in Bar, Abatement, or further Continuance, the Cauſe ſhall peremptorily come to Trial;

Agent, &c. of an abſconding Debtor to be ſummoned to Court.

Proceſs and Trial thereupon.

or

Goods, &c. in Agent's Hands ſubject to Execution.

and if Judgment be rendered for the Plaintiff, all the Goods, Effects or Credits of ſuch abſent or abſconding Perſon, in the Hands of ſuch Attorney, Factor, Agent or Truſtee, which were in his Hands at the Time of his being ſerved with the Summons and Declaration aforeſaid, to the Value of ſuch Judgment, (if ſo much there be) ſhall be liable and ſubjected to the Execution granted upon ſuch Judgment, for or towards ſatisfying the ſame; and from the Time of ſerving the Summons as aforeſaid, ſhall be liable and ſecured in the Law, in his Hands to anſwer the ſame, and may not be otherwiſe diſpoſed of or converted.

Plaintiff to be Non ſuit, where no Effects in ſuppoſed Agent's Hands,

III. *Provided nevertheleſs, and be it Enacted*, That if upon Summons being ſerved as aforeſaid, the ſuppoſed Attorney, Factor, Agent, of Truſtee, ſhall come into Court at the Firſt Term, and declare that he had not in his Hands, at the Time of the Service of ſuch Summons, any Goods, Effects, or Credits whatſoever of the abſent or abſconding Perſon, and ſhall ſubmit to an Examination upon Oath reſpecting the ſame; and if, upon ſuch Examination, it ſhall appear to the Satisfaction of the Juſtices of the Court, that he had not any Goods, Effects, or Credits whatſoever of the abſent or abſconding Perſon, in his Hands at the Time of his being ſummoned as aforeſaid, then in every ſuch Caſe, the Plaintiff ſhall become Nonſuit, and ſhall pay to him who was ſummoned as Attorney, Factor, Agent, or Truſtee, his reaſonable Coſts, to be taxed in common Form by the Juſtices of the Court.

and to pay Coſts.

Agents, &c. not appearing, liable to pay Coſts.

IV. *And be it further Enacted*, That if any Attorney, Factor, Agent, or Truſtee, being ſerved with Summons and Declaration as aforeſaid, ſhall not appear at the firſt Term, and then either acknowledge himſelf to have had in his Hands ſome Goods, Effects, or Credits of the abſent or abſconding Perſon at the Time of the Service aforeſaid; and thereupon pray that he may be admitted to defend the Action, or otherwiſe ſubmit himſelf to an Examination upon Oath as aforeſaid, he ſhall be liable to pay to the Plaintiff all ſuch Coſts as ſhall ariſe upon his Suit, to be taxed by the Juſtices of the Court before which the Action ſhall be brought.

Execution to be levied on the Agent's proper Goods, &c. if he tranſfer, &c. the Effects of his Principal.

V. *And be it further Enacted*, That in Caſe any Attorney, Factor, Agent, or Truſtee, from and after the Time of his being ſerved with Summons and Declaration as aforeſaid againſt his Principal, (being an abſent or abſconding Perſon) ſhall tranſfer, remit, diſpoſe of, or convert any of the Goods, Effects, or Credits of ſuch abſent or abſconding Perſon, in his Hands at the Time of ſuch Service, ſo that there ſhall not be ſufficient to ſatisfy the Judgment, (the Debt being afterwards aſcertained by Judgment of Court) or that ſhall not diſcover, expoſe, and ſubject the Goods, Effects, or Credits, of ſuch abſent or abſconding Perſon in his Hands, to be taken in Execution for or towards the Satisfaction of the Judgment, ſo far as what were in his Hands at the Time of ſaid Service, will extend, ſhall be liable to ſatisfy the ſame of his own proper Goods and Eſtate, and as of his own Debt

Debt; and a Writ of *Scire facias* may be taken out of the ſame Court and ſerved upon him as the Law directs, to appear and ſhew Cauſe (if any he have) to the contrary, where upon Default of Appearance, or Refuſal to diſcloſe upon his Oath, (which Oath the Juſtices of ſuch Court are impowered to adminiſter) what Goods, Effects or Credits of the abſent or abſconding Perſons, are in his Hands, and to what Value; then Judgment ſhall be entered up againſt him of his own proper Goods and Eſtate, and Execution be awarded accordingly.

Agent to diſcover, upon Oath, the Goods, &c. of his Principal, on Failure Judgment to be entered againſt him of his own proper Eſtate, &c.

VI. *Provided nevertheleſs, and be it Enacted*, That if it ſhall appear that the Attorney, Factor, Agent, or Truſtee, ſo ſummoned as aforeſaid, and having in his Hands, at the Time of ſuch Summons, any Goods, Effects, or Credits of the abſent or abſconding Perſon, hath not any ways remitted, diſpoſed of, or any ways converted the ſame after the Summons being ſerved on him as aforeſaid; but that he hath diſcovered, expoſed, and ſubjected them to be taken in Execution, to ſatisfy the Judgment recovered againſt the abſent or abſconding Perſon as aforeſaid; then the Party who commenced the Suit ſhall pay ſuch Attorney, Factor, Agent, or Truſtee, his reaſonable Coſts, to be taxed in common Form by the Juſtices of the Court from which the *Scire facias* iſſued as aforeſaid.

Agent to be allowed his Coſts, upon diſcovering the Effects, &c. of his Principal, and ſubjecting them to ſatisfy the Judgment.

VII. *And be it further Enacted*, That the Goods, Effects, or Credits, of any abſent or abſconding Perſon, ſo taken as aforeſaid by Proceſs and Judgment of Law, out of the Hands of his Attorney, Factor, Agent, or Truſtee, by any of Creditors, ſhall fully acquit and for ever diſcharge ſuch Attorney, Factor, Agent, or Truſtee, his Executors, or Adminiſtrators, of, from, and againſt all Actions and Suits, Damages, Payments, and Demands whatſoever, to be aſked, commenced, had, claimed, or brought by his Principal, his Executors, or Adminiſtrators, of and for the ſame; and if any Attorney, Factor, Agent, or Truſtee, ſhall be moleſted, troubled, or ſued by his Principol for any Thing by him done in purſuance of this Act, he may plead the general Iſſue, and give this Act in Evidence.

Agent to be acquitted and diſcharged from any Action of his Principal.

VIII. *Provided nevertheleſs, and be it further Enacted*, That any abſent or abſconding Perſon, againſt whom Judgment ſhall be recovered as aforeſaid. ſhall be intitled to a Rehearing of ſuch Cauſe at any Time within Three Years after ſuch Judgment; and the Plaintiff, in ſuch Action, before any Execution ſhall iſſue on ſuch Judgment, ſhall give ſufficient Security to the Satisfaction of the Court, for the Repayment of all ſuch Monies as may be levied by Virtue of ſuch Execution, in caſe the ſaid Judgment ſhould be reverſed on ſuch Rehearing as aforeſaid.

Principal intitled to a Rehearing within three Years.

IX. *Provided always*, That ſo much of this Act only as relates to the commencing of the Action, and attaching the Goods, ſhall be of Force, till his Majeſty's further Pleaſure be known therein.

Part of this Act only to take place, till His Majeſty's Pleaſure be known. *Confirmed by His Majeſty in Council.*

CAP. VI.

An ACT for the Appointment of *Sworn Gaugers*, aſcertaining their Duty, granting them an Allowance, and Eſtabliſhing their Fees.

Two Gaugers to be appointed at Halifax.

BE it *Enacted by the Honourable the Commander in Chief, the Council, and Aſſembly*, That it ſhall and may be lawful for His Excellency the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to appoint two Gaugers for the Port of *Halifax*, who ſhall be ſworn to the faithful Diſcharge of their Duty, and who are hereby authorized to gauge all Rum or other diſtilled Spirituous Liquors which ſhall be imported into, or diſtilled within the ſame, and ſhall perform all ſuch gauging by the Inſtrument commonly called and known by the Name of Gunter's Callipers, and no other Inſtrument whatſoever; and who ſhall have an Allowance not exceeding Twenty Five Pounds per Annum each, to be paid out of the Duties ariſing on Rum, or other diſtilled Spirituous Liquors imported into, or diſtilled within this Province; and it ſhall and may be lawful for the ſaid Gaugers to demand and receive the following Fees.

Salary £25. *per An.* each.

Their Fees.

For gauging a Puncheon or Pipe - -	*Six Pence.*
A Hoghſhead or Tierce, - - -	*Four Pence.*
A Barrel - - - -	*Two Pence.*

and other Caſks in Proportion, and no more, to be paid by the Seller.

The ſame Fees at the Out Ports, and 6d. per Mile for Travel.

II. *Be it further Enacted*, That for every other Port or Town within this Province where no Diſtilling Houſe is erected, and where it may be neceſſary for a Gauger to be appointed, the ſaid Gauger ſhall be intitled to receive the ſame Fees, as is herein before eſtabliſhed for the Port of Halifax, with a further Allowance of Six Pence a Mile for his Travel.

Penalty £5. on any Gauger neglecting his Duty.

III. *And be it further Enacted*, That if any Gauger to be appointed as aforeſaid, ſhall neglect to attend upon due Notice given for the gauging any Rum, or other diſtilled Spirituous Liquors imported into, or diſtilled within the Province, ſhall forfeit and pay for every ſuch Neglect the Sum of Five Pounds, with Coſts, upon Conviction thereof by the Oath of One Credible Witneſs before any Two of His Majeſty's Juſtices of the Peace, to be recovered by Warrant of Diſtreſs from under the Hand and Seal of ſaid Juſtices, one Moiety whereof to be paid to the Perſon who ſhall inform and ſue for the ſame, the other Moiety to the Overſeers of the Poor, for the Uſes of the Poor, of the Town where ſuch Offence ſhall be committed.

IV. *Provided*

IV. *Provided always, and it is hereby further Enacted*, That no Fees ſhall be demanded by the Gaugers as aforeſaid, for gauging any Stock of Rum, or other diſtilled Spirituous Liquors made up at the Diſtilling Houſes within this Province.

No Fees to be taken at the Still Houſes.

CAP. VII.

An Act for prohibiting the Exportation of *Raw Hides*, *Sheep* or *Calf Skins*, out of this Province, other than for *Great Britain*; and to prevent the Cutting, Splitting or Flawing of Hides.

WHEREAS *the Exportation of* Raw Hides, Sheep and Calf Skins *out of this Province, except to Great Britain, has been found to be a great Prejudice to the ſame; Be it therefore Enacted by the Honorable the Commander in Chief, Council, and Aſſembly*, That from and after the Tenth Day of Auguſt, 1761, no Perſon or Perſons ſhall load on board any Ship or Veſſel for Exportation, any Raw Hides of any Ox, Bull, Steer or Cow, or any Sheep or Calf Skin, before the Maſter of ſuch Ship or Veſſel ſhall have given Bond to the proper Officer at *Halifax*, or at any other Port within the Province to ſuch Perſon as ſhall be appointed for that Purpoſe, in the Value of One Hundred Pounds Currency, with ſufficient Security that the ſame ſhall be by the ſaid Ship or Veſſel carried to *Great Britain* and to no other Place, and be there landed and put on Shore (the Danger of the Seas only excepted) and ſhall within Twelve Months, return a Certificate that the ſame have been ſo landed: And if any Perſon ſhall preſume to lade on board any Ship or Veſſel any Raw Hides or Skins as aforeſaid, before Bond be given as aforeſaid, he ſhall forfeit the ſame, and the Maſter of the Veſſel ſhall forfeit the Value of ſuch Raw Hides as ſhall be found on board ſuch Veſſel, and if any Ship or Veſſel ſhall carry out of this Province ſuch Hides or Skins as aforeſaid, before Bond be given as aforeſaid, or any Seizure made, every Maſter of ſuch Ship or Veſſel ſhall forfeit and pay double the Value of the ſame, and the Shipper treble the Value of the Hides or Skins ſo ſhipped.

Preamble.

No Raw Hides, &c. to be loaded on board any Veſſel, until Bond be given that the ſame ſhall be landed in Great-Britain.

On Penalty of being forfeited.

Penalty on Maſters of Veſſels carrying the ſame out of the Province.

II. *Provided*, That Information, Suit, or Proſecution on the ſame, be had or made within the Term or Space of Twelve Months next after the Offence committed.

Proſecution to be within Twelve Months.

III. *Provided alſo*, That when the Current Price of Raw Hides, ſuch as of Ox, Bull, Steer, or Cow, ſhall be Three Pence *per* Pound, or under, the ſame may be exported to any of His Majeſty's Plantations.

10. *Geo.* 3. *Ch.* 9. Exception when under Three pence *per* Pound.

IV. *And*

Penalty 20s. for Gaſhing &c. the Hide of any Ox, &c.

IV. *And be it alſo Enacted*, That if any Butcher or other Perſon whatſoever ſhall by himſelf or any other Perſon employed by or under him or them, gaſh, cut, ſplit, or flaw the Hide of any Ox, Bull, Steer, Cow, Sheep, or Calf, in fleaing thereof or otherwiſe, whereby the ſame ſhall be impaired or damaged, and offer the ſame to Sale, ſuch Butcher or other Perſon ſo offending ſhall forfeit and pay the Sum of Twenty Shillings, for each and every ſuch Offence committed by them, or any other Perſon employed by or under him or them.

How Penalties are to be recovered,

V. *And be it further Enacted*, That the ſeveral Fines and Forfeitures incurred by this Act, ſhall be recovered on the Oath of One credible Witneſs in Manner following, (*that is to ſay*) That for exporting Raw Hides, Calf or Sheep Skins, contrary to the Tenor of this Act, by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record in this Province, One Half thereof to be paid to the Treaſurer of the Province for the Uſe of His Majeſty's Government in ſaid Province, the other Half to him or them that ſhall inform and ſue for the ſame; and the Penalty for cutting, ſplitting, or flawing Hides, to be recovered before any One of His Majeſty's Juſtices of the Peace, to be levied by Warrant of Diſtreſs and Sale of the Offender's Goods and Chattels, under the Hand and Seal of the Juſtice before whom the Conviction of the ſaid Offence is made, and for Want of Diſtreſs to ſuffer Twenty Days Impriſonment; and that One Half of ſaid Penalty be paid to the Informer or Perſon ſuing for the ſame, and the other Half to the Poor of the Place where the Offence ſhall be committed.

and applied.

CAP. VIII.

An ACT for the Repairing and Mending *Highways*, *Roads*, *Bridges* and *Streets*, and for appointing *Surveyors* of *Highways*, within the ſeveral Townſhips in this Province.

Two Surveyors of Highways for each Town to be choſen at the Quarter Seſſions next after the 1ſt January Annually.

BE it *Enacted by the Honourable the Commander in Chief, the Council and Aſſembly*, That the Grand Juries at the *General Quarter Seſſions of the Peace*, held for the ſeveral Counties, next after the Firſt of January, annually nominate Eight fit Perſons out of whom ſaid Court of *Quarter Seſſions*, ſhall appoint two or more to be Surveyors of Highways for each Town in the reſpective Counties, who ſhall be ſworn to the faithful Diſcharge of their Office for the Year enſuing, before the ſaid Seſſions or before any One of the Juſtices of the Peace within or neareſt to the ſaid Town, for which ſuch Surveyors ſhall be choſen, and any Perſon being ſo nominated and choſen, who ſhall refuſe to accept of the ſaid Office, or ſhall neglect to be ſworn as aforeſaid,

within

within Fourteen Days next after ſuch Nomination, or having accepted ſhall neglect his Duty, ſhall forfeit for every Refuſal or Neglect, Five Pounds, to be recovered by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record; and the Forfeiture ſhall be applied for the Repairing of the Highways.

Perſons refuſing to ſerve &c. forfeit £5.

II. *And be it further Enacted*, That every Perſon within each Townſhip keeping any Cart, Team, or Truck, ſhall ſend on every Day appointed by the ſaid Surveyor of Highways, One Cart or Team, or Truck, with Two Oxen or Two Horſes, and One able Man to drive the ſame, for Four Days in every Year, to work on the Highways, Roads, Streets, or Bridges, allowing Eight Hours to each Day's Work; and ſuch Perſon not attending or neglecting to perform the ſaid Duty, ſhall forfeit for every Day's Neglect, Ten Shillings; and that every other Houſeholder or Labourer, not being an hired Servant for a Year, ſhall, on every Day appointed as aforeſaid, either by himſelf or other ſufficient Perſon to be hired by him, provided with ſuch neceſſary Implements as ſhall be directed by the ſaid Surveyor, work for the Space of Six Days in every Year, on the ſaid Highways, Roads, Streets, or Bridges, within the Townſhip where they reſpectively dwell; and ſuch Perſons not attending or neglecting to perform the ſaid Duty, ſhall forfeit Three Shillings for every Day's Neglect.

Each Perſon's Proportion of Labour to the Highways, &c.

Penalty for Neglect of labour.

* And all ſuch Forfeitures as aforeſaid, ſhall be ſued for by Surveyors of Highways in like Manner as Debts of the like Value are ſued for and recovered before one or more Juſtices of the Peace.

* 13. *Geo.* 3. *Ch.* 3.

III. 5. *Geo.* 3. *Ch.* 2. Sect. 5. *Be it therefore Enacted*, That the Conſtables of the ſeveral Townſhips in this Province ſhall make out a Liſt of all ſuch Perſons who are Owners of Teams, Carts or Trucks, as alſo of every other Houſeholder and Labourer within their reſpective Townſhips, and deliver the ſame to the Surveyors of Highways; and at ſuch Time as the ſaid Surveyors ſhall judge proper, between the Days preſcribed by the afore recited Act, the ſaid Conſtables ſhall ſummon ſo many of the Perſons contained in ſaid Liſts, as the Surveyors ſhall direct from Time to Time.

Conſtables to return to the Surveyors, a Liſt of the Owners of Teams, &c. and of Perſons liable to labour.

IV. *And be it further Enacted*, That the ſaid Surveyors of Highways ſhall, and are hereby impowered, in the fitteſt and moſt ſeaſonable Time, between the Firſt Day of April, and the Firſt Day of November, Yearly (Seed Time and Harveſt only excepted) to ſummon the Inhabitants contained in their Liſts reſpectively, giving them at leaſt Six Days Notice of the Time and Place where he propoſes to employ them; and ſhall there overſee and order the Perſons ſo ſummoned, to labour in making, mending, or repairing the Highways, Roads, Streets, and Bridges, in the moſt uſeful manner, during the number of Days appointed by this Act for each Perſon to Labour; and the

Labour on the Highways to be done between the 1ſt of April and the 1ſt of November, Yearly.

Surveyors excuſed from Labour.

Surveyor of Highways ſhall himſelf be excuſed from any other Service on the Highways, than the ſummoning ordering, and directing thereof.

Owners of Carts, &c. to ſend two Men inſtead of a Cart, if judged neceſſary by the Surveyor.

V. *And Whereas the Labour of Men may be more uſeful, than the employing* Teams, Carts, *or* Trucks, *in ſome Towns, Be it therefore Enacted*, That when any Surveyor of Highways ſhall Judge the Labour of Men more uſeful and neceſſary than that of Carts, Teams, or Trucks, the Perſons who by this Act are to find Carts, Teams, or Trucks, ſhall be obliged under the like Penalty, to ſend two labouring Men inſtead thereof, furniſhed with neceſſary Implements as aforeſaid.

Surveyors to account to the Quarter Seſſions.

VI. *And be it further Enacted*, That the Surveyors of Highways ſhall, at the Expiration of their Office Annually, account at the General Quarter Seſſions of the Peace, for all the Fines received by them for the Uſe of the Highways, and ſhall pay the Overplus (if any in their Hands) to their Succeſſors in the ſaid Office, for the aforeſaid Uſes, under the like Penalty as for any other Neglect of Office.

New Highways or Common Roads, to be laid out by a Jury, ſworn at the *General Seſſions* for that Purpoſe.

VII. 5. *Geo.* 3. *Ch.* 2. *Be it Enacted by the Governor, Council, and Aſſembly*, That where a new Highway or Common Road from Town to Town, or Place to Place in any County in this Province, ſhall be wanting, and where old Ways with more Conveniency may be turned or altered; upon Application made to the Juſtices in *General Seſſions* within the ſame County, the Court is hereby impowered to appoint two or three ſufficient Freeholders of the next Towns, who ſhall have moſt Occaſion of the ſaid Way, to enquire into the Neceſſity and Conveniency thereof, and to make their Report thereon, and being judged to be of common Neceſſity or Conveniency, the Juſtices ſhall order a Warrant to the Sheriff or his Deputy to ſummon a Jury out of the next Towns, to meet at ſome convenient Day and Place therein mentioned, to view and lay out of ſuch Highways or Roads, who ſhall have an Oath adminiſtred to them by a Juſtice of the Peace, to lay out ſuch Way according to their beſt Skill and Judgment, with moſt Conveniency to the Public, and leaſt Prejudice or Damage to any particular Perſon; which having done, the Sheriff or his Deputy is to make a Return thereof on the Day appointed by the Court, as well under his own, as the Hands of the Jurors, by whoſe Oath the ſame is laid out, to the End the ſame may be allowed of and recorded, and after known for a Public Highway; and all Public Highways hereafter to be laid out as aforeſaid, ſhall not be leſs than One Hundred Feet wide.

Highways not to be leſs than 100 Feet wide.

30 Days Notice to be given, that any Perſon aggrieved, may complain.

VIII. *Provided always, and be it Enacted*, That before ſuch Road or Highway is allowed and recorded for a Public Highway, the Court ſhall cauſe Notice to be given thereof for the Space of Thirty Days, to the Intent that if any Perſon ſhall think himſelf aggrieved thereby, he may make his Complaint thereof, and Inquiry be made into the Cauſe of ſuch Complaint.

IX. *And*

IX. *And be it further Enacted*, That the Surveyors of the Highways of each Town reſpectively, be and are hereby impowered to lay out particular and private Ways, either open or pent, with Swinging Gates for ſuch Town only, as ſhall be thought neceſſary by the Juſtices of the Peace in their *General Seſſions*, upon Application made to them by the Perſons concerned: *Provided*, that no Damage be done to any particular Perſon in his Land or Property, without due Recompence to be made by the Town, as the Surveyors of the Highways and the Party intereſted may agree, or as ſhall be ordered by the Juſtices in *General Seſſions*, upon Inquiry into the ſame by a Jury to be ſummoned for that Purpoſe.

Private Roads to be laid out by the Surveyors of Highways.

Not to endamage any particular Perſon without due Recompence.

X. *And be it alſo further Enacted*, That if any Perſon or Perſons ſhall alter any Public Road or Highway, or any private Road that ſhall be laid out as aforeſaid, or that ſhall make any Encroachment upon the ſame, not being firſt authorized ſo to do by due Courſe of Law; ſuch Perſons ſhall, upon Complaint and due Proof thereof made before the Court of *General Seſſions* of the Peace for the County, where ſuch Highway lay before it was ſo altered or encroached upon, forfeit Five Pounds, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant of the Court who ſhall hear the ſaid Complaint; and all Forfeitures ſo to be levied ſhall be paid to the Surveyors of the Highway of the Townſhip, from whence the Fine was levied, to be applied for repairing Highways, Roads, Streets and Bridges, within the ſame.

Any Perſon altering or encroaching on any Road,

forfeits £5.

to be applied to the repairing Highways, &c.

XI. *And be it alſo Enacted*, That all Perſons able of Body between the Age of Sixteen Years and Sixty ſhall be obliged to labour at the ſaid Roads, Highways, Streets and Bridges, or procure or pay a proper Perſon for the ſame.

Perſons between the Age of Sixteen and Sixty obliged to labour on the Roads, or pay a proper Perſon.

XII. 13. *Geo.* 3. *Ch.* 3. *Be it Enacted, by the Governor, Council and Aſſembly*, That all ſuch Forfeitures as aforeſaid, ſhall be ſued for by the Surveyors of Highways in like manner as Debts of the like Value are ſued for, and recovered before one or more Juſtices, any Thing in the ſaid afore-recited Act to the contrary notwithſtanding.

All forfeitures for neglect to attend for repairing and mending Highways &c. to be recovered as Debts are before one or more Juſtices.

XIII. Sect. 2. *Be it Enacted*, That upon Application to two of his Majeſty's Juſtices of the Peace, the ſaid Juſtices ſhall, and may in their Diſcretion leſſen the Number of Days Labour to be performed by ſuch Men as cannot without Detriment to their Families attend the ſame.

Two Juſtices may leſſen number of days labour by poor Perſons.

XIV. *And be it alſo Enacted*, That all Perſons keeping Carts, Teams, and Trucks, who by being Sixty Years Old or upwards, are exempted from labouring themſelves on the ſaid Highways or Roads, ſhall nevertheleſs ſend their Carts, Teams or Trucks, to aſſiſt in making or repairing the ſame.

Perſons who keep Carts, &c. tho' exempted from labouring by age to ſend their Carts, &c.

XV. *And*

Penalty for encumbering or ſtopping Roads or Streets.

XV. *And be it alſo further Enacted*, That any one of his Majeſty's Juſtices of the Peace, ſhall and may on his own View, or on the Oath of one credible Witneſs, impoſe a Fine, not exceeding Twenty Shillings, on any Perſon who ſhall encumber or ſtop up the way in any of the Roads or Streets in this Province, by laying Timber, Wood, Carts, Trucks or any other thing thereon, to be recovered by Warrant of Diſtreſs and Sale of the Offenders Goods and Chattels, or in Caſe ſuch Offender ſhall not be known or found, the ſame ſhall be recovered by Sale of ſo much of the Timber or Wood, and the Carts, Trucks or other thing encumbering or ſtopping the Way in ſuch Road or Street as aforeſaid, and be paid to the Overſeers of the Poor for the Uſe of the Poor of the Town or Place where, or neareſt the Place where the Offence ſhall be committed, rendering the overplus, if any be, to the Owner when found. And if the ſaid Nuiſance ſhall continue, the ſame ſhall be deemed a new Offence, and ſhall be proſecuted, and liable to the Penalty aforeſaid.

In caſes where highways are laid out and that the parties and the ſurveyors of Highways cannot agree relating to the damage ſuffer'd, the ſame ſhall be determin'd by a jury out of next towns.

XVI. 19. *Geo.* 3. *Ch.* 3. *Be it Enacted by the Lieutenant Governor Council and Aſſembly*, That in all Caſes, where, either private or public Highways ſhall be laid out and any Diſpute ſhall ariſe between the Parties concerned, and the Surveyors of the Highways, for the Town where the ſame ſhall be laid out or propoſed to be laid out, relating to the Damage ſuffered, or likely to be ſuffered by ſuch parties, the ſame ſhall be determined by a Jury to be ordered by the Juſtices out of the next Towns, who ſhall be ſworn impartially to determine the ſame.

Surveyor of Highways not to alter roads or ſtreets already laid out nor make any repairs but by the advice and conſent of at leaſt three Juſtices.

XVII. *Be it Enacted*, That the Surveyors of Highways ſhall not alter any Roads or Streets already laid out, nor make any Repairs to the Streets or Highways in any Town or Townſhip, but by the Advice and Conſent of at leaſt three Juſtices of the Peace.

At

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *Firſt* Day of *July*, *Anno Domini* 1761, in the Firſt Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France* and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Seventeenth Day of *March*, 1762, in the Second Year of His ſaid Majeſty's Reign; being the Second Seſſion of the Third *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT for the regulating Innholders, Tavernkeepers, and Retailers of Spirituous Liquors.

BE it *Enacted by the Lieutenant Governor, Council, and Aſſembly*, That from and after the Publication hereof no Retailer, Innholder, Tavern or Alehouſe Keeper, who ſhall ſell upon Truſt or Credit, any Wine, Strong Beer, Ale, Brandy, Rum, or other Spirituous Liquors, mixt or unmixt, to any Soldier, Sailor, Servant, or Day Labourer, or other Perſon whatſoever, to the Amount of any Sum exceeding the Sum of Five Shillings, ſhall have any Remedy to recover the ſame, either at Law or in Equity, againſt any of the Perſons aforeſaid, their Executors or Adminiſtrators.

No Debts to be recovered by Retailers, &c. for Wines, &c. ſold to any Soldier, &c. for any Sum above Five Shillings.

II. *And be it further Enacted*, That in Caſe any Soldier, Sailor, Servant, Apprentice, bound Servant, or Negro Slave, or other Perſon whatſoever, ſhall leave any Pawn or Pledge, as a Security for the Payment of any Sum exceeding Five Shillings, contracted in ſuch Manner, ſuch Soldier, Sailor, Servant, Apprentice, bound Servant, or Negro Slave, or other Perſon whatſoever, or the Maſters or Miſtreſſes of ſuch Servant, Apprentice, bound Servant, or Negro Slave, may

Pledges for Payment of any Sum above 5*s.* to be reſtored by Order of a Juſtice of the Peace.

may complain to any Juſtice of the Peace where ſuch Retailer, Innholder, Tavern or Alehouſe Keeper, or any other Perſons whatſoever, receiving ſuch Pawns or Pledges, uſually reſides, that ſuch Pawn or Pledge is detained from him or her by ſuch Retailer, Innholder, Tavern or Alehouſe Keeper, or any other Perſon whatſoever, and having made Proof thereof upon Oath, or otherwiſe to the Satisfaction of ſaid Juſtice, ſuch Juſtice of the Peace is required, by Warrant under his Hand and Seal, to compel ſuch Retailer, Innholder, Tavern or Alehouſe Keeper, or other Perſon whatſoever, by Diſtreſs and Sale of his Goods, to reſtore the aforeſaid Pawn or Pledge to the Party complaining, or to make him or her Satisfaction for the Loſs or Abuſe thereof; and ſhall further be ſubject to a Fine not exceeding Twenty Shillings, for the Uſe of the Poor, and Coſts of Proſecution.

Retailers &c. not to ſuffer Apprentices, &c. to remain drinking in their Houſes, &c. on Penalty of 20s.

III. *And be it further Enacted*, That no Retailer or Perſon whatſoever, ſhall harbour or ſuffer any Apprentice, bound Servant, or Negro Slave, to ſit drinking in his or her Houſe, nor ſell or give him or them, nor ſuffer to be ſold or given him or them, any of the Liquors aforeſaid, without ſpecial Order or Allowance of their reſpective Maſters or Miſtreſſes, on Pain of forfeiting the Sum of Twenty Shillings for every ſuch Offence, together with the Charges of Proſecution; to be recovered, upon Conviction on the Oath of one credible Witneſs, before any One of His Majeſty's Juſtices of the Peace within the Town or Precinct where the Offence ſhall be committed, or ſuch other Proof as ſhall be to the Satisfaction of ſuch Juſtice, and to be levied by Warrant of Diſtreſs and Sale of the Offender's Goods and Chattels, under the Hand and Seal of the ſaid Juſtice, and for Want of ſufficient Diſtreſs, ſuch Juſtice ſhall and may commit ſuch Offender to His Majeſty's Gaol, there to remain for the Space of One Month, or till he ſhall have paid and ſatisfied the ſame. And ſuch Sum ſo levied ſhall, by the ſaid Juſtice be paid into the Hands of the Overſeers of the Poor of the Town or Precinct where the Offence ſhall be committed, to be by them applied to the Uſe of the Poor of ſuch Town or Precinct.

Not to extend to Travellers &c.

IV. *Provided always*, That nothing herein contained ſhall extend to debar any Retailer, Innholder, Tavern or Alehouſe Keeper, from furniſhing any Traveller, or Boarders in his Family, with neceſſary Refreſhments on Credit.

CAP. V.

CAP. II.

An ACT for preventing fraudulent Dealings in the Trade with the Indians.

WHEREAS *many Miſchiefs may ariſe by Frauds and other Injuries, in the Trade with the Indians of this Province: And Whereas the ſaid Indians are unacquainted with the Laws of this Province, and in what Manner they are to proceed in order to do themſelves Right*; *Be it Enacted by the Lieutenant Governor, Council, and Aſſembly*, That the Governor, Lieutenant Governor, or Commander in Chief, upon Complaint of any Indians within this Province, made to him or either of them, that they have been wronged or cheated of their Furs or any other Merchandize, or in any other their Trade and Dealing with other His Majeſty's Subjects; that the Governor, Lieutenant Governor, or Commander in Chief is hereby deſired to direct His Majeſty's Attorney General to proſecute the ſame, either before His Majeſty's Juſtices, or in any of His Majeſty's Courts of Record in a Summary Way, as the Laws do direct, and ſuch Proſecution ſhall be deemed Legal, and Judgment and Execution ſhall iſſue accordingly.

Preamble.

The Attorney General to proſecute in behalf of any Indians, for Injuries done them.

II. This Act to continue and be in Force until further Regulations relating to the Trade with the Indians ſhall be made.

Act to continue till further Regulations be made.

CAP. III.

An ACT to prevent the Firing of Squibs, Rockets, Serpents or other Fireworks.

BE *it Enacted, by the Lieutenant Governor, Council, and Aſſembly*, That it ſhall not be lawfull for any Perſons to make, or cauſe to be made, or ſell, or expoſe to Sale, any Squibs, Rockets, Serpents, or other Fireworks, or any Caſes, Moulds, or other Implements for the making the ſame, or for any Perſons to permit any Squibs or other Fireworks to be thrown or fired from their Houſes, Lodgings, or Habitations, or Place thereto belonging or adjoining, into any public Street, Road, Paſſage or Water, or for any Perſon to throw, or fire, or be aſſiſting in throwing or firing of any Squibs, or other Fireworks into any publick Street, Houſe, Shop, Highway, Road, Paſſage or Water; and that every ſuch Offence ſhall be judged a Common Nuiſance.

Making, &c. any Squibs, &c. to be judged a Common Nuiſance.

II. *Be it further Enacted*, That if any Perſons ſhall make, or cauſe to be made, or ſhall give, ſell, or utter any Squibs, Rockets, Serpents or

Perſons making the ſame, &c.

or other Fireworks, or any Moulds or Inſtruments for the making of any ſuch Squibs, Rockets or Serpents, or other Fireworks, every Perſon ſo offending, and being thereof convicted before One of His Majeſty's Juſtices of the Peace of the Place where ſuch Offence ſhall be committed, by Confeſſion of the Party, or the Oath of One credible Witneſs, ſhall forfeit the Sum of Forty Shillings; and that if any Perſons ſhall throw or fire, or be aiding and aſſiſting in throwing or firing, of any Squibs, Rockets, Serpents, or other Fireworks, into any publick Street, Houſe, Shop, Highway, Paſſage, or Water, every Perſon ſo offending, and being thereof convicted as aforeſaid, ſhall forfeit the Sum of Forty Shillings; and if any Perſons ſhall permit any Squibs, or other Fireworks, to be thrown or fired from their Houſes, Shops, Lodgings, or Habitations, or in any Place thereto belonging, or adjoining to any public Street, Road or Paſſage, or any other Place; every ſuch Perſon ſo offending and being thereof convicted as aforeſaid, ſhall forfeit the Sum of Forty Shillings. The ſaid ſeveral Forfeitures to be levied by Diſtreſs and Sale of the Goods of every ſuch Offender, by Warrant of the Juſtice before whom the Conviction ſhall be made, the one Half of the Forfeiture to be to the Uſe of the Poor where the Offence ſhall be committed, and the other Half to the Uſe of them, who ſhall proſecute and cauſe ſuch Offenders to be convicted; and if ſaid Perſons ſo offending ſhall not, immediately upon their being convicted, pay to the Juſtice before whom ſuch Conviction ſhall be made, the ſaid Forfeiture for the Uſes aforeſaid, ſuch Juſtice is hereby required and impowered, by Warrant to commit ſuch Perſon to the Houſe of Correction, or Goal for any Time not exceeding Fourteen Days, unleſs ſuch Offender ſhall ſooner pay ſuch Forfeiture to the ſaid Juſtice.

forfeit 40s.

One Half to the Poor, the other Half to the Informer

III. *Provided*, That this Act ſhall not extend to debar the Governor, Lieutenant Governor, or Commander in Chief of this Province, or the Commanding Officers of His Majeſty's Troops, or any Perſons employed under them or either of them, from making and firing off any ſuch Fireworks as aforeſaid.

Exception as to the Governor, &c.

IV. *Be it alſo Enacted*, That no Perſon whatſoever ſhall preſume to make or cauſe to be made any Bonfires within Three Hundred Yards of any Buildings, Stacks of Hay or Corn, under the Penalty of Forty Shillings, to be recovered and applied in the Manner as mentioned in this Act:

Bonfires not to be made within 300 Yards of any Building, &c.

CAP. IV.

An ACT for appointing Firewards, aſcertaining their Duty, and for puniſhing Thefts and Diſorders at the Time or Fire.

BE it *Enacted by the Lieutenant Governor, Council, and Aſſembly*, That it ſhall and may be lawful to and for the Juſtices of the Peace for the Town and County of *Halifax*, from Time to Time annually in their Seſſions, to appoint ſuch Number of prudent Perſons of known Fidelity, not exceeding Ten, in the ſeveral Parts of the ſaid Town of *Halifax*, and the Suburbs thereof, as they may think fit, who ſhall be ſworn faithfully to diſcharge their Truſt, and ſhall be denominated and called Firewards, and have a proper Badge aſſigned to diſtinguiſh them in their Office, *viz.* A Staff of Six Feet in Length, coloured Red, and headed with a bright Braſs Spear of ſix Inches long.

Juſtices in Seſſions to appoint Ten Perſons to ſerve as Firewards for *Halifax*.

II. *And be it further Enacted*, That at the Times of the breaking forth of Fire in the ſaid Town or Suburbs thereof, and during the Continuance thereof, the ſaid Firewards ſhall and are hereby authorized and impowered, jointly or ſeparately to command and require Aſſiſtance for the extinguiſhing and putting out the Fire, and for removing of Houſehold Stuff, Furniture, Goods and Merchandizes, out of any Dwelling Houſes, Store Houſes, or other Buildings actually on Fire, or in Danger thereof, and to appoint Guards to ſecure and take Care of the ſame: As alſo to require Aſſiſtance for the pulling down of any Houſes, or any other Services relating thereto, to ſtop and prevent the further ſpreading of the Fire; and to ſuppreſs all Tumults and Diſorders. And the Officers appointed from Time to Time as aforeſaid, are required, upon the Notice of Fire breaking forth (taking their Badge with them) immediately to repair to the Place, and vigorouſly exert their Authority for the requiring Aſſiſtance, and uſing their utmoſt Endeavours to extinguiſh, and prevent the ſpreading of the Fire, and to preſerve and ſecure the Eſtate and Effects of the Inhabitants; and due Obedience is required to be yielded unto them, and each of them accordingly for that Service: And for all Diſobedience, Neglect or Refuſal in any Perſon, Information thereof ſhall, within Two Days next thereafter, be given to any One of His Majeſty's Juſtices of the Peace for the ſaid County and Town, and upon Conviction thereof, before any two of the Juſtices aforeſaid, each and every Perſon ſo convicted ſhall forfeit and pay the Sum of Forty Shillings, to be levied and diſtributed by the Direction of ſuch Juſtices, among the Poor moſt diſtreſſed by the Fire; and in Caſe the Offenders are unable to ſatisfy the Fine, then to ſuffer Ten Days Imprisonment.

Duty and Authority of the Firewards.

Any Perſon diſobeying their Orders at the Time of Fires, forfeit 40s.

Two Magiſtrates or Firewards, may order any Houſe to be pulled down, to ſtop the Fire;

III. *And be it further Enacted*, That when any Fire ſhall break out in the ſaid Town of *Halifax*, or the Suburbs thereof, Two or more of the Magiſtrates or Firewards of the ſaid Town ſhall and may, and are hereby impowered to give Directions for pulling down any ſuch Houſe or Houſes as ſhall by them be judged meet to be pulled down, for the ſtopping and preventing the further ſpreading of the Fire; and if it ſhall ſo happen, that the pulling down any ſuch Houſe or Houſes by the Direction aforeſaid, ſhall be the Occaſion of ſtopping the ſaid Fire, or that the ſaid Fire ſhall ſtop before it come to the ſame, that then all and every Owner of ſuch Houſe or Houſes ſhall receive reaſonable Satisfaction, and be paid for the ſame by the reſt of the Inhabitants of the ſaid Town and Suburbs, (to be accounted from the River called Freſh Water River, to Mr. *Mauger's* Diſtilling Houſe incluſive) whoſe Houſes ſhall not be burnt, in the Manner hereinafter preſcribed, *(That is to ſay)* the Owner or Owners of ſuch Houſe or Houſes ſo pulled down and intitled as aforeſaid, ſhall as ſoon as may be, make application to the Firſt Juſtice in the Commiſſion of the Peace for the ſaid Town and County, or in his Abſence to the next named in the ſaid Commiſſion, who is hereby impowered to call a *Special Seſſions* of the Juſtices, who ſhall meet at the Time appointed; and the Court being ſatisfied, by ſuch Proof as ſhall be brought, of the Juſtice of the Claims made, they ſhall then iſſue an Order for a Valuation of the Damages ſo ſuſtained, to be made by Two or more indifferent Perſons, who ſhall make a Return of their Proceedings, upon Oath, into the ſaid Court by the Day affixed, whereupon the Court ſhall appoint Two or more Aſſeſſors, who ſhall Tax the Houſes of the ſaid Inhabitants that have not been burnt, at ſuch Rate or Rates as ſhall by them be thought juſt, in Proportion to the Value of the Houſes that are to be taxed, for paying the ſaid Damages and the Charges of Valuation, Taxation, and Collection, together with the other Fees of the Court, to be ſettled before the making ſuch Aſſeſſment; and the ſaid Aſſeſſors are to report their Proceedings to the Court alſo upon Oath. And the ſaid Court ſhall thereupon iſſue an Order for collecting the Monies ſo taxed, and in Caſe of Non Payment the ſame to be levied by Warrant of Diſtreſs to be obtained from any One of the ſaid Juſtices, upon Application to him by the Collector or Collectors of the ſaid Tax: And as ſoon as the Aſſeſſments are ſo collected, the Court ſhall order Payment to be made to the Party claiming, according to the Report made and approved of the ſaid Damages; as alſo the Payment of ſuch other Charges as aforeſaid.

Owners of ſuch Houſes to have Satisfaction, by an Aſſeſſment of the Inhabitants.

No Satisfaction to be made for the Houſe where the Fire began.

IV. *Provided*, That if the Houſe where the Fire did begin and break out, ſhall be adjudged fit to be pulled down to hinder the Increaſe and further ſpreading of the ſame, that then the Owner of ſuch Houſe ſhall receive no Manner of Satisfaction therefor, any Thing herein contained to the contrary notwithſtanding.

V. *And*

Stealing at the Time of Fires, Felony without Clergy.

V. *And be it likewiſe Enacted*, That if any evil minded wicked Perſons, ſhall take Advantage of ſuch Calamity, to rob, plunder, purloin, imbezzle, or convey away, or conceal any Goods, Merchandizes, or Effects of the diſtreſſed Inhabitants, whoſe Houſes are on Fire or endangered thereby, and put upon removing their Goods; and ſhall not reſtore and give Notice to the Owner or Owners, if known, or bring them into ſuch Public Place as ſhall be appointed and aſſigned by the Governor and Council, within the Space of Two Days next after Proclamation made for that Purpoſe, the Perſon or Perſons ſo offending, and being thereof convicted, ſhall be deemed Felons, and ſuffer Death as in Caſes of Felony, without Benefit of Clergy.

Each Fireward to be provided with Ladders, Firehooks, Axes, Bucketts, Bags, and a Saw, to be depoſited by him in ſome convenient Place where Inhabitants are to aſſemble.

VI. 22. *Geo.* 3. *Ch.* 2 *Be it Enacted, by the Lieutenant Governor, Council and Aſſembly*, That each Fireward appointed agreeable to the Directions of the above recited Act, ſhall be forthwith provided with one Ladder at leaſt, Twenty four Feet in Length, and one Ladder Sixteen Feet Long with Hooks, one Fire Hook, two Axes, Twelve Leathern Bucketts, twelve large Bags and one Saw, which ſhall be by the ſaid Fireward depoſited in the moſt convenient Place in ſuch Ward, and at which the Inhabitants of ſuch Ward are to aſſemble, when the Fire Bell rings, and from thence to proceed under the Direction of the ſaid Fireward, with ſuch of the ſaid Implements as may be required, to the Place of Danger.

Ward or Diſtrict of each Fireward to be numbered, and Ladders, &c. to be marked.

VII. Sect. 3. *And be it alſo Enacted*, That the Ward or Diſtrict of which each Fireward ſhall have Charge, ſhall be numbered, and that the Ladders, Firehooks, Bags, Axes, Saws, and Bucketts ſhall be marked with the Number of the Ward to which they belong, and within Twenty Four Hours after the extinguiſhing any Fire, the ſaid Ladders, Firehooks, Bags, Axes, Saws and Bucketts, ſhall be delivered at ſuch Place of depoſit, and if after ſaid Twenty Four Hours any of ſaid Ladders, Firehooks, Axes, Bucketts, Bags or Saws, ſhall be found in the Poſſeſſion of any Perſon, He or ſhe ſhall forfeit and pay a Fine of Forty Shillings, to be levied by Warrant of Diſtreſs and Sale of the Offender's Goods, before any one of his Majeſty's Juſtices of the Peace, the ſaid Fine to be paid into the hands of the Fireward, and to be applied for the Purpoſe of repairing the ſaid Ladders, Firehooks, Axes, Bucketts, Bags and Saws.

If after 24 Hours after any Fire any Ladders, &c. are found in the Poſſeſſion of any Perſon to forfeit 40s.

Coſt of the Ladders &c. to be levied on the Inhabitants by Aſſeſſment.

VIII. Sect. 4. *And be it alſo further Enacted*, That the Amount of the Coſt of the Ladders, Firehooks, Axes, Bucketts, Bags and Saws, ſo purchaſed, ſhall be levied on the Inhabitants of the Town and Suburbs of *Halifax*, by Aſſeſſment in Manner as is provided for levying the Monies voted for the Support of the Poor, and recovered accordingly.

Conſtables to attend the firewards, at the Time of Fire.

IX. Sect. 5. *And be it Enacted*, That the Conſtables of each Ward, ſhall attend with their Staves, on the Fireward of ſuch Ward at times of Fire, to

to receive his Directions and to assist in Keeping good Order and prevent Thefts.

CAP. V.

An ACT for the better regulating the *Militia*, on actual Service in Time of War.

Preamble.

WHEREAS *in Times of imminent Danger, either by Invasion or sudden Attack made or threatened to be made by His Majesty's Enemies on any of His Subjects within this Province, insomuch that His Excellency the Governor, Lieutenant Governor, or Commander in Chief for the Time being, shall, by Virtue of the Power granted him by His Majesty's Commission, judge it expedient to order any Part of the Militia of this Province to march from one County or Part of the Province to another, on necessary Service; or to do Duty by mounting Guard: In such Case it is requisite that due Subordination should be observed, for preventing Mutiny, Desertion and Contempt; Be it Enacted by the Lieutenant Governor, Council, and Assembly,* That if any Officer, Non Commissioned Officer, or Soldier, of the Militia, under Arms for real Service, on a March, or on Guard, or that shall be ordered for any of the above mentioned Duties, shall disobey Orders, or neglect doing his Duty, or shall shew any contemptuous Behaviour towards his superior Officer; if an Officer, he shall on Convicton thereof before a General Court Martial, to be constituted and appointed as herein after directed, be cashired by the Sentence of such Court Martial; if a Non-Commissioned Officer or Soldier, he shall be confined by the Commanding Officer of such Party or Guard: And it shall be lawful for the Commanding Officer of the Regiment, or of any Party, or Command, not under the Degree of a Captain, to order a Regimental Court Martial to be forwith held for the Trial of such Offender; the said Court Martial to consist of One Captain and Two Subalterns at least, but where they can be had, of One Captain and Four Subalterns who may give judgment by laying a Fine on such Offender in any Sum not exceeding Forty Shillings, which Fine so ordered by the Court Martial, if he Neglect or refuse to pay, the said Offender shall be Corporally punished, by riding a Wooden Horse any Time not exceeding Half an Hour, or be committed to the House of Correction to be kept to hard Labour there for any Time not exceeding Ten Days.

Punishment for Disobedience of Orders, or Neglect of Duty, on Conviction before a General Court Martial,

or Regimental Court Martial.

II. *Provided nevertheless,* That no Sentence of a Regimental Court Martial shall be put into Execution until approved of by the Commanding Officer of the Regiment, or of the Detachment where the

Sentence to be approved by the Commanding Officer, before it be executed.

Crime

Crime may have been committed. And no Officer being the Accuſer, ſhall ſit as a Member.

Proceſs for Deſertion, &c.

III. *And be it further Enacted*, That if any Officer, Non Commiſſioned Officer, or Soldier, of the Militia, ſhall in the Field, upon a March, or in Quarters on actual Service, deſert the Troop, Company or Command to which he belongs, or ſhall diſobey Orders; if a Commiſſioned Officer, he ſhall be put under Arreſt by the Commanding Officer, if a Non Commiſſioned Officer, or Soldier, he ſhall be ſent to the next County or other Goal as ſoon as convenient, and it ſhall and may be lawfull for His Excellency the Governor, Lieutenant Governor, or Commander in Chief of the Province, to order a General Court Martial, by a Warrant under his Hand and Seal, for the Trial of ſuch Offender as ſpeedily as the Service will admit; which Court Martial ſhall not conſiſt of a leſs Number than Thirteen Commiſſioned Officers of the Militia; and the Preſident of ſuch Court Martial ſhall not be under the Degree of a Field Officer, and there ſhall be as many Captains as conveniently can be had, the eldeſt Subalterns to make up the Number: And that ſuch Court Martial ſhall have Power to adminiſter an Oath to any Witneſs, in order to the Examination or Trial of the above Offences that ſhall come before them.

General Court Martial may puniſh by Death, &c.

IV. *And be it further Enacted*, That ſuch General Court Martial ſhall have Power to puniſh with Death, or otherwiſe by Fine or Impriſonment, the Fine not exceeding Twenty Pounds, or Impriſonment not more than ſix Months.

Members to take the following.

V. *Provided always*, That in all Trials by General Courts Martial, every Officer, before any Proceeding be had, ſhall take the following Oath, and the Judge Advocate is hereby authorized to adminiſter the ſame.

Oath.

YOU ſhall well and truly try and determine according to your Evidence in the Matter now before you, between our Sovereign Lord the King's Majeſty and the Priſoner to be tried.

No Sentence of Death to be given unleſs Twelve Members concur.

VI. And no Sentence of Death ſhall be given againſt any Offender, by any ſuch General Court Martial, unleſs Twelve Officers preſent ſhall concur therein; and His Excellency the Governor, Lieutenant Governor, or Commander in Chief, ſhall have Power to appoint any one of his Majeſty's Juſtices of the Peace for ſaid Province, or other fit Perſon, to act as Judge Advocate at any ſuch General Court Martial.

Sentence to be approved by the Governor &c.

VII. *And be it alſo Enacted*, That no Sentence of ſuch General Court Martial ſhall be put in Execution before the ſame be approved by his Excellency the Governor, Lieutenant Governor or Commander in Chief for the Time being.

When the Militia is ordered to march, Detachments to be made from each Company by Ballot

VIII. *Provided always and be it Enacted*, That when any Part of the Militia ſhall be draughted to march from one Part of the Province or Town to another on real Service, all ſuch Draughts or Detachments ſhall be made by Ballot from each Company, in exact Proportion ac-

cording to their Numbers then fit for Duty, which ſhall be on the Oath of the Captain, or Commanding Officer, to the beſt of his Knowledge, if required; and each and every Perſon ſo draughted ſhall go in his own proper Perſon or find a good Man in his Room, and for his Neglect or Diſobedience herein, he ſhall be confined by the Commanding Officer, and ſhall pay a Fine of Ten Pounds, or remain in Goal for Three Months, and another Man ſhall be draughted as aforeſaid to march in his Place, who ſhall have Half of the above Fine.

Penalty for refuſing to march.

Militia to be paid when ordered to march.

IX. *And be it further Enacted*, That when any Part of the Militia ſhall be ordered to march from one Part of the Province or Town to another not in the ſame County to which they belong, on real Service, there ſhall be allowed and paid to the Commiſſioned, Non Commiſſioned Officers, Drummers, and Private Soldiers, for ſo long as they ſhall remain on ſuch Service, at and after the Rates following, (*That is to ſay*) to the Commiſſioned Officers at and after the ſame Rate as Officers of the like Rank in His Majeſty's Troops; to the Serjeants after the Rate of Two Shillings, Corporals One Shilling and Four Pence, Drummers One Shilling and Four Pence, and Private Soldiers One Shilling *per Diem* each, together with the like Allowance of Rations of Proviſions of all Kinds as are diſtributed and allowed to the Non Commiſſioned Officers and Soldiers in His Majeſty's Regular Forces.

Militia doing actual Duty on real ſervice in any Town or County to be paid as is directed by Act 2d *Geo.* 3. *cap.* 7. *Sect.* 9.

X. 17. *Geo.* 3. *Ch.* 3. *Be it therefore Enacted, by the Lieutenant Governor, Council, and Aſſembly*, That there ſhall be paid to all Commiſſioned, Non-Commiſſioned Officers, Drummers and Private Men, who ſhall hereafter do actual Duty on real Service, within any Town or County in this Province, for ſo long as they ſhall remain and continue on ſaid Service the ſame Rate of pay, as is allowed to be paid by ſaid Act to the Said Officers, and others doing duty on real Service, not in the ſame County, to which they belong.

When any Townſhip, in the Interior parts of the Province, ſhall find it neceſſary to provide armed Boats for their Protection, the Inhabitants are impowered to meet, on notice given by the Town-Clerk, to conſult and agree upon the Meaſures to be taken for their Defence: and the Majority may vote ſuch a Sum, to be raiſed by Aſſeſſment on the

XI. 21. *Geo.* 3. *Ch.* 1. *BE it therefore Enacted, by the Lieutenant-Governor, Council and Aſſembly*, That whenever any Townſhip, ſituated in the interior Parts of the Province, in the *Bay* of *Fundy* and *Baſon* of *Mines*, ſhall find it neceſſary to provide and furniſh themſelves with armed Boats for their Protection, the Inhabitants of ſuch Townſhip or Townſhips ſhall and may, and they are hereby impowered to Meet, on Notice to be given by the Town-Clerk, by the Direction of the Officer commanding the Militia in ſuch Townſhip, of the Time and Place of Meeting, in order to conſult and agree upon the Meaſures to be taken for their Defence againſt the Attacks of an Enemy by Water: And the Majority of ſaid Town-meeting, accordingly, ſhall and may Vote ſuch a Sum, to be raiſed by Aſſeſſment upon the Inhabitants, as they ſhall think neceſſary for the Purpoſe of Building and Equiping one or more armed Boats, which Sum ſhall be levied as other Aſſeſſ-

ments

ments are levied in the Province; the ſaid Boats to be under the Conduct and Direction of the Commanding-Officer of the Militia in each Townſhip, where the ſame ſhall be provided.

Inhabitants, as they ſhall think neceſſary for building and equiping ſaid armed Boats.

XII. *Be it Enacted*, That whenever the Commanding-Officer of any Townſhip ſhall find it neceſſary to order the Boats, provided as aforeſaid, to proceed in repelling the Enemy, or, to the Aſſiſtance of the neighbouring Townſhips, the Militia of ſuch Town ſhall, on the Orders of ſuch Commanding-Officer, proceed in ſuch Boats accordingly.

Whenever it ſhall be neceſſary that the Boats, ſo provided, ſhould be employed to repel the Enemy, the Militia ſhall be obliged to proceed in them.

XIII. 17. *Geo.* 3. *Ch.* 3. *Provided*, That nothing in this act contained, ſhall take Effect, or be carried into Execution at any Time but on Occaſion of actual Invaſion, or ſudden Attak from an Enemy, or imminent Danger thereof in ſuch Town or County, and that ſuch Militia ſhall be called on Duty as aforeſaid by the commanding Officer, with the Advice and Conſent, of at leaſt Two of the Field Officers or Captains reſiding in ſaid Town or County, and that the Governor, Lieutenant Governor or Commander in Chief of the Province ſhall approve thereof.

Proviſo. Nothing in this Act to take effect but on occaſion of actual Invaſion or danger thereof in ſuch Town or County. Militia to be called on Duty by Commanding Officer, with advice and conſent of 2 field Officers or Captains and approved by the Governor, &c.

XIV. All Fines and Forfeitures to be incurred by this Act, and not particularly appropriated, ſhall be applied to ſuch Militaty Uſes as ſhall be thought neceſſary by the Governor, Lieutenant Governor, or Commander in Chief of this Province for the Time being.

Application of Fines.

CAP. VI.

An Act for regulating the Exportation of Fiſh, and the Aſſize of Barrels, Staves, Hoops, Boards, and all other Kind of Lumber; and for appointing Officers to ſurvey the ſame.

BE it Enacted by the Lieutenant Governor, Council, and Aſſembly, That from and after the End of this preſent Seſſion of the *General Aſſembly*, all pickled Fiſh for Exportation ſhall be put in none but Barrels of Thirty one Gallons and a Half at leaſt, and that the Fiſh be all of one Kind, well ſaved, ſweet, free from Ruſt, and cloſe packt, the Barrels tight, and full of ſweet and ſtrong Pickle.

Pickled Fiſh for Exportation to be put into Barrels of 31 Gallons and a half at leaſt, The Fiſh to be all of one kind, &c.

That Herrings be free from Oil.

Quality of Herring.

That merchantable Codfiſh have the Qualities that make them ſo in Newfoundland.

of Codfiſh.

That

Size of Hogſhead Staves, That all Hogſhead Staves be ſix Inches broad, three Quarters of an Inch thick at the thin Edge, and forty Inches long.

of Barrel Staves, That Barrel Staves be four Inches broad, and half an Inch thick at the thin Edge, and thirty Inches long.

of Barrel Staves for the Iriſh Market, That Barrel Staves for the Iriſh Market be thirty Inches long, five Inches broad, clear of Sap, and three Quarters of an Inch thick at the thin Edge.

of HogſheadHoops, That Hogſhead Hoops be fifteen Feet long, ſubſtantial and well ſhaved, and three Quarters of an Inch broad at the ſmall End.

of Barrel Hoops, That Barrel Hoops be nine Feet long, and Half and Inch broad at the ſmall End.

of Boards, That Boards ſhall be full one Inch thick.

of Shingles, That Shingles be eighteen Inches long at leaſt, four Inches broad, and half an Inch thick at the thick End.

of Clapboards, That Clapboards be five Inches broad, half an Inch thick at the Back, and four Feet four Inches long.

Meaſure of Cord Wood. That Cord Wood be full four Feet long each Stick, accounting half the Carf, the Pile to be ſolid, four Feet high, or an Allowance for Wants, of eight Feet long, and each Cord found hard Wood.

Officers to be appointed. II. *And be it further Enacted*, That all Barrels uſed for Fiſh within this Province, ſhall be made of found well ſeaſoned Timber and free of Sap, and that fit Perſons be appointed from Time to Time in all Places needful, to view and gauge all ſuch Barrels; and ſuch as ſhall be found tight and of the Aſſize before mentioned, ſhall be marked with the Gauger's Mark, who ſhall have for his Pains Eight Pence per Ton; and every Cooper ſhall make his Barrels of the Aſſize aforeſaid, and ſhall ſet his diſtinct Brand Mark on all Barrels ſo made by him, on Penalty of Forty Shillings for each Offence.

Coopers to make Barrels of lawful Size, on Penalty of 40s.

Perſons offering to Sale deficient Barrels, forfeit the ſame, and 10s. III. *And be it alſo Enacted*, And whoſoever ſhall put to Sale any Barrels new made up from old Stuff, being deficient either in Workmanſhip or Timber, upon Proof thereof made by one ſufficient Witneſs, before any one of His Majeſty's Juſtices of the Peace, he ſhall forfeit ſuch Barrels, and be fined and pay the Sum of Ten Shillings for every Barrel that ſhall be ſo found defective, or ſhall ſuffer Ten Days Impriſonment for every ſuch defective Barrel. *Provided* the ſaid Impriſonment do not in the whole exceed the Term of Three Months.

Gaugers not to mark defective Caſks, IV. *And be it further Enacted*, That every Gauger of Caſks or Barrels appointed as aforeſaid, ſhall take Care that ſuch Caſk or Barrels

by

by him viewed and marked as aforeſaid, be agreeable to the Directions of this Act; and that he mark no Caſk or Barrels whatſoever defective in any of the above Particulars, on Penalty of Ten Shillings for every Caſk ſo by him marked that ſhall be found defective in any of the aforeſaid Reſpects.

on Penalty of 10s for each Caſk.

V. *And be it Enacted, for preventing of Fraud and Deceit in the packing of pickled Fiſh to be put to Sale*, That in every Town within this Province where ſuch pickled Fiſh are packed for Sale, the Surveyor or Surveyors of Fiſh of ſuch Town, or of the Town where they are put to Sale or ſhipped, ſhall ſee that it be well and orderly performed, and that the ſaid Fiſh be packed all of one kind and that all Caſk or Barrels ſo packed be full, and in all other Reſpects anſwerable to the Regulations herein ſpecified in that behalf, ſetting his Brand or Mark on all Caſk or Barrels ſo by him examined and ſurveyed; and he ſhall receive of the Owner or Seller of ſuch Fiſh, for ſurveying and marking, Two Pence per Barrel, and Four Pence per Mile for his Travel; and if any ſuch pickled Fiſh be put to Sale or ſhipped off without the Surveyor's Brand or Mark, they ſhall be forfeited, or the Value thereof, by the Seller or Shipper of the ſame.

Surveyors of pickled Fiſh not to mark any but ſuch as are agreeable to this Act.

Their Fees.

Pickled Fiſh not marked to be forfeited if offered to Sale.

VI. *6. Geo. 3. Ch. 2. Be it Enacted by the Lieutenant Governor, Council, and Aſſembly*, That from and after the Firſt Day of January, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty Seven, all and every Perſon or Perſons, packing Mackarel or any other Kind of pickled Fiſh within this Province, for Sale or Exportation, ſhall brand each Caſk and Barrel by him or them ſo packed, on the Head of ſuch Caſk or Barrel, with the initial Letter or Letters of his or their Chriſtian Name, and his or their Sirname at Length, before he or they ſhall ſhip or expoſe the ſame to Sale, and every Perſon or Perſons, who ſhall preſume to ſhip for Exportation or expoſe to Sale any Mackarel or other Kind of pickled Fiſh, before the ſame be branded as aforeſaid, ſhall, on due Conviction thereof by the Oath of One credible Witneſs, before any one of His Majeſty's Juſtices of the Peace, forfeit and pay the Sum of Ten Shillings for each and every Caſk or Barrel ſo exported or expoſed to Sale; one Moiety thereof to the Informer, and the other Moiety to, and for the Uſe of the Poor of the Townſhip, Town or Place, wherein ſuch Offence ſhall be committed; the ſame to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, together with the Charges of ſuch Diſtreſs and Sale, rendering the Overplus (if any be) to the Owner or Owners thereof.

Perſons packing Pickled Fiſh for Sale or Exportation, to brand each Caſk with the initial Letters of their Names &c.

on Penalty of 10s. for each Caſk.

One Half to the Informer, the other Half to the Poor.

VII. *And be it likewiſe Enacted*, That all Sorts of green or pickled Fiſh that ſhall be put up for Exportation to a Foreign Market, ſhall be ſearched, ſurveyed, and approved by the ſworn Surveyor, who ſhall take ſtrict Care that the ſame be in all Reſpects agreeable to the Regula-

Surveyors to examine ſtrictly all Pickled Fiſh.

gulations herein before ſpecified, and ſhall and may open the Head of any one Barrel the Buyer ſhall chuſe for that Purpoſe, and ſuch as ſhall be found good and Merchantable the Surveyor ſhall mark with ſuch Brand Mark, as ſhall be aſſigned to him by the ſaid Court, and ſuch other Cut Mark as may denote the Kind of Fiſh and Time when packed. And if any Maſter of any Ship or Veſſel, or any Officers or Mariners belonging thereto, ſhall receive ſuch pickled Fiſh, not marked and branded as aforeſaid, on board any of their Ships or Veſſels, he or they who ſhall offend therein, ſhall forfeit double the Value of all ſuch Fiſh; and he or they who ſhall own ſuch Fiſh ſhall forfeit the ſame, or the Value thereof. And if any Cooper or other Perſon ſhall ſhift any Fiſh, either on board or on Shore, after the ſame hath been ſo marked and branded by the Surveyor, and ſhip and export the ſame, the Surveyor not having allowed thereof, and marked the Caſks or Barrels a new, whereinto ſuch Fiſh ſhall be ſhifted; all Perſons acting, ordering, or aſſiſting therein, upon Conviction thereof before any one of His Majeſty's Juſtices of the Peace, by the Oath of one credible Witneſs, for the firſt Offence ſhall ſuffer ſix Months Impriſonment, for the ſecond nine Months Impriſonment, and for the third twelve Months Impriſonment, without Bail or Mainprize; and ſhall likewiſe pay double Damages to the Perſon wronged thereby. And if any Perſon or Perſons ſhall preſume to counterfeit the Brand Mark of any Surveyor or Gauger, or Certificate of any Culler, upon due Proof or Conviction, he or they ſhall incur, forfeit and pay the Sum of Ten Pounds, and ſuffer one Month's Impriſonment.

Maſters of Veſſels, &c. receiving Pickled Fiſh on board, not marked, to forfeit double the Value.

Any Perſon ſhifting Fiſh after the ſame has been marked by the Surveyor, to ſuffer Impriſonment, for the firſt Offence, ſix Months; for the ſecond Offence, nine Months, and for the third Offence, Twelve Months, and pay double Damages.

Penalty £10 for Counterfeiting the Surveyor's Mark.

VIII. *And be it further Enacted*, That the Culler of dry Cod Fiſh thereto appointed as aforeſaid, ſhall cull all ſuch dry Cod Fiſh that ſhall be ſold or exported, and ſhall have One Penny per Quintal for every Quintal of Fiſh by him ſo culled, and Four Pence per Mile for his Travel, to be paid by the Owner or Seller; and ſuch Culler ſhall give a Certificate under his Hand ſpecifying the Quantity of Fiſh ſo by him culled, and the Name of the Owner, Seller, or Shipper thereof, and of the Time and Place where culled, and if any dry Cod Fiſh ſhall be put to Sale, or ſhipped for Exportation, without having been ſo culled by the Culler, or without ſuch Certificate thereof as before directed, the ſame ſhall be forfeited, or the Value thereof, by the Seller or Shipper of the ſame.

Cullers of dry Cod Fiſh, their Duty, and Fees.

If any ſuch Fiſh be put to Sale or Shipped for Exportation, without the Cullers Certificate, the ſame to be forfeited or the Value.

IX. *And be it alſo Enacted*, That all Boards, Plank, Timber and Slit Work, that ſhall be imported or brought for Sale to any Town within this Province, or exported from thence to any Foreign Market, before their Delivery on Sale, ſhall be viewed, ſurveyed and alſo meaſured, by one of the Surveyors thereto appointed, (where he ſhall have any Doubt of the Meaſure) having Conſideration for drying and ſhrinking; alſo ſhall mark anew all ſuch to the juſt Contents, making Al-

Surveyors of Lumber, their Duty,

lowan-

lowance for Rots, Splits and Wains, the Seller to pay the Officer Four Pence per Thouſand Feet for viewing only, and Six Pence per Thouſand Feet more for meaſuring and marking; and ſo in Proportion for a leſſer Quantity than a Thouſand Feet, and four Pence per Mile for his Travel as aforeſaid: And no Boards, Plank, Timber, or Slit Work, ſhall be delivered upon Sale, or ſhipped for Exportation beyond Sea, before they have been viewed and ſurveyed by the Surveyor, and by him found anſwerable to the Deſcription in this Act mentioned; and alſo meaſured (if Occaſion be) and marked anew by one of the Officers thereto appointed; on Pain of being forfeited, of the Value thereof, by the Seller or Shipper thereof.

and Fees.

Boards &c. delivered or Shipped for Exportation, before they are marked by the Surveyor, to be forfeited or the Value.

X. *And be it Enacted*, That all Shingles and Clapboards expoſed to Sale by Quantities in Bundles, that do not hold out the Number they are marked for, unleſs it ſhall appear that ſome have been drawn or ſhaken out of the Bundle, after packing, ſhall be forfeited; the Charge of ſearching and telling to be paid thereout. That every Bundle of Shingles and Clapboards that, according to the Judgment of the Surveyor, will hold out Eighteen Inches long, Four Inches broad, and half an Inch thick, agreeable to the Dimenſions by this Act preſcribed for Shingles, and if Clapboards, Five Inches broad, half an Inch thick at the back, and Four Feet Four Inches long, being the Dimenſions by this Act preſcribed for Clapboards; ſhall be accounted merchantable, all that are otherwiſe to be culled out and burnt, 'till what be left of ſaid Bundles will bear the ſame Proportions before preſcribed, according to the Judgment of the ſaid Surveyor, who ſhall have for his Service, if Shingles, Two Pence per Thouſand; if Clapboards, Two Pence per Thouſand ſurveying, and One Penny more per Thouſand telling; to be paid by the Owner or Seller, where no Forfeiture is found for want of Tale to ſatisfy ſuch Charge, and for every Thouſand he culls and binds up again, Six Pence per Thouſand, and proportionably for a leſſer Quantity, to be paid by the Owner or Seller of the ſaid Shingles or Clapboards, returning the Remainder to the Owner, if any be, after the Charges are paid.

Shingles and Clapboards deficient in Number to be forfeited,

if deficient in Quality, to be burnt.

XI. *And be it alſo Enacted*, That if any Boards, Plank, Timber, or Slit Work, or any Shingles or Clapboards ſhall be expoſed for Sale, or ſhipped for Exportation, without ſuch Survey as above directed, had before the Delivery thereof; the whole of ſuch Boards, Plank, Timber, Slit Work, Shingles or Clapboards, or the Value thereof, ſhall be forfeited by the Seller or Shipper.

All boards, &c. expoſed to Sale or Shipped for Exportation, without Survey, to be forfeited, or the Value, by the Seller or Shipper.

XII. *And be it further Enacted*, That all Hogſhead Staves, Barrel Staves, Hogſhead Hoops, and Barrel Hoops, that ſhall be imported or brought for Sale to any Town within this Province, or exported from thence to any foreign Market, before their Delivery on Sale ſhall be viewed and ſurveyed by one of the Surveyors thereto appointed, who ſhall take ſtrict Care that the ſame be ſeverally conformable to the Dire-

Hogſhead Staves, Hogſhead Hoops, &c. deficient in Quality to be burnt.

Directions of this Act; and that all Staves and Hoops, that according to the Judgment of the ſaid Surveyor, ſhall be agreeable to the Directions of this Act, and none other, ſhall be accounted merchantable; and all that ſhall be found otherwiſe to be culled out and burnt, till what be left will bear the ſeveral Proportions by this Act preſcribed, according to the Judgment of the ſaid Surveyor, who ſhall have for his Service, if Staves, Six Pence per Thouſand, if Hoops, Three Pence per Thouſand, to be paid by the Seller.

Staves and Hoops delivered upon Sale, or Shipped for Exportation, not ſurveyed, to be forfeited or the Value, by the Seller or Shipper.

XIII. *And be it alſo Enacted*, That all Hoops expoſed to Sale by Quantities in Bundles that do not hold out the Number that they are ſo expoſed to ſale for, unleſs it appears that ſome are drawn or ſhaken out of the Bundle after packing, ſhall be forfeited; the Charge of ſurveying Three Pence per Thouſand, and Three Pence per Thouſand telling, and ſo in Proportion for a leſſer Quantity, being paid thereout. And if any Staves or Hoops ſhall be delivered upon Sale or ſhipped for Exportation to any Foreign Market, before they have been ſurveyed by the Surveyor, and by him found to anſwer the Deſcriptions in this Act mentioned, the ſame ſhall be forfeited, or the Value thereof, by the Seller or Shipper thereof.

Cord Wood ſold, before it be ſurveyed, to be forfeited, or the Value, by the Seller.

XIV. *And be it further Enacted*, That all Cord Wood expoſed to ſale, ſhall on the Sale, and before the Delivery thereof, be ſurveyed by the Officer for that Purpoſe appointed, who ſhall meaſure the ſame, and take Care that each Cord do anſwer the Qualifications by this Act required; and he ſhall receive of the Seller for each Survey and Examination, Two Pence per Cord and no more; and if any Cord Wood ſhall be ſold and delivered without ſuch Survey, the ſame ſhall be forfeited, or the Value thereof, by the Seller.

Surveyors may on Refuſal of Payment, detain as much of any Commodity as will pay his Fees, if under 20s. if above, to be levied by Warrant of Diſtreſs from a Juſtice of the Peace.

XV. *And be it further Enacted*, That if any Perſon ſhall refuſe to ſatisfy the Officer or Officers by this Act appointed, his Fees before mentioned, he ſhall have Power to detain ſo much of the Commodity as will make him Satisfaction for his Fees and Travel aforeſaid: *Provided* that ſuch Fees do not exceed the Sum of Twenty Shillings, and in caſe the ſame ſhall exceed the Sum of Twenty Shillings, then to be levied by Warrant of Diſtreſs and Sale of the Offender's Goods and Chattels, under the Hand and Seal of any One of His Majeſty's Juſtices of the Peace, the Surplus, if any be, after paying the Officer's Fees and Charges of Diſtreſs and Sale, to be returned to the Owner of the ſaid Goods.

Officers to be Sworn.

XVI. *And be it further Enacted*, That an Oath ſhall be adminiſtred to the ſeveral Officers that ſhall be choſen to gauge, ſurvey and ſearch the ſeveral Articles in this Act mentioned, in the following Form, *viz*

Their Oath.

YOU ſwear, that you will from Time to Time diligently and faithfully diſcharge and execute the Office of —————— *within the Limits whereto you are appointed for the enſuing Year, and until another be choſen in your Place; and that in and by all the Particulars mentioned in the Laws whereto your Office hath Relation; and that you will do therein impartially according to Law, without Fear or Favour.*

So help you GOD.

Penalties & Forfeitures, how to be levied, and applied.

XVII. *And be it likewiſe Enacted*, That all Fines, Penalties, and Forfeitures ariſing by Force and Virtue of this Act, ſhall be one Half to His Majeſty, towards the Support of His Majeſty's Government of this Province, and the other Half to him or to them that ſhall inform or ſue for the ſame; to be recovered in Manner following, (*That is to ſay*) Where the Forfeiture or Value thereof ſhall not exceed the Sum of Twenty Shillings, the ſame to be recoverable before any One of His Majeſty's Juſtices of the Peace, by Oath of one credible Witneſs, to be levied by Warrant of Diſtreſs and Sale of the Offender's Goods and Chattels, under the Hand and Seal of ſuch Juſtice, and for want of ſufficient Diſtreſs, ſuch Offender to ſuffer Twenty Days Impriſonment; and where the Forfeiture or Value ſhall amount to above Twenty Shillings, but ſhall not exceed the Sum of Three Pounds, then the ſame to be recoverable before any Two of His Majeſty's ſaid Juſtices of the Peace upon the like Proof as above, and to be levied by like Warrant under the Hands and Seals of ſuch Juſtices, and for want of ſufficient Diſtreſs the Offender to ſuffer Sixty Days Impriſonment; and in caſe ſuch Forfeiture or the Value thereof ſhall exceed Three Pounds, the ſame to be recoverable by him or them who ſhall inform or ſue for the ſame, in any of His Majeſty's Courts of Record in this Province.

Act to be read once a Year, at the Quarter Seſſions in each County.

XVIII. *And be it Enacted*, That this Act be read and publiſhed once every Year, at the opening of the firſt Courts of *General Quarter Seſſions of the Peace* for the ſeveral Counties within this Province.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *Firſt* Day of *July*, *Anno Domini* 1761, in the Firſt Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France* and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Twenty Fifth Day of *April*, 1763, in the Third Year of His ſaid Majeſty's Reign; being the Third Seſſion of the Third *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT to prevent Frauds in the ſelling of *Flour*, and *Biſcuit*, or *Ship Bread* in Caſks.

Contents of Barrels of Beef and Pork.

BE it *Enacted by the Lieutenant Governor, Council and Aſſembly*, That from and after the Publication hereof, all Caſks of Beef and Pork which ſhall be ſold, expoſed to Sale, or battered, or bargained for in any Way or Manner whatſoever within this Province, ſhall contain. if the Produce of *America*, not leſs than Two Hundred and Twelve Pounds of neat Meat; and if from *Ireland*, not leſs than Two Hundred Pounds of neat Meat.

Flour and Biſcuit to be ſold by Weight.

II. *And be it alſo Enacted*, That from and after the Publication hereof all Flour, Biſcuit, or Ship Bread, that ſhall be ſold, bartered, or exchanged within this Province, ſhall be ſold, bartered or exchanged by Weight only, and in no other Way or Manner whatſoever.

If ſold in any other Manner, to be forfeited,

III. *And be it further Enacted*, That no Perſon or Perſons whatſoever ſhall hereafter preſume to ſell, barter, or exchange any Flour, Biſcuit, or Ship Bread, by the Caſk, or in any other Manner whatſoever,

ſoever, other than by Weight as above directed, on Pain of forfeiting all ſuch Flour, Biſcuit, or Ship Bread, ſo ſold, bartered or exchanged contrary to the Intent and Meaning of this Act: And every Perſon or Perſons offending herein and being convicted thereof, ſhall alſo further forfeit and pay the Sum of Twenty Shillings for every Hundred Weight, and ſo in Proportion for a greater or leſs Quantity of ſuch flour, Biſcuit, or Ship Bread, ſo ſold, bartered or exchanged; to be recovered, together with Coſts of Proſecution, on the Oath of One credible Witneſs, before any Two of His Majeſty's Juſtices of the Peace for the County where the Offence ſhall be committed.

and the Offender to forfeit 20s. for every Ct. Weight.

Conviction before two juſtices.

IV. *And be it further Enacted*, That all Forfeitures and Penalties incurred and ariſing by this Act ſhall be applied and diſpoſed of in Manner following, *(that is to ſay)* all Flour, Biſcuit or Ship Bread, which ſhall be forfeited by Virtue of this Act, ſhall be applied to the Uſe of the Poor of the Town or Place where the Offence ſhall be committed; and all and every other Penalties incurred by this Act, ſhall be applied to the Uſe of the Perſon or Perſons who ſhall inform and ſue for the ſame.

Application of Forfeitures and Penalties.

V. *Provided always*, That all Proſecutions to be brought by Virtue of this Act, ſhall be commenced within Ten Days after the Offence committed.

Proſecution to be within ten Days.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *Firſt* Day of *July*, *Anno Domini* 1761, in the *Firſt Year* of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Nineteenth Day of *October*, 1763, in the Third Year of His ſaid Majeſty's Reign; being the Fourth Seſſion of the Third *General Aſſembly* convened in the ſaid Province.

CAP. I.

CAP. I.

An ACT to prevent Nuiſances by Hedges, Wears, and other Incumbrances, obſtructing the Paſſage of Fiſh in the Rivers in this Province.

Preamble.

WHEREAS *the erecting or ſetting up Hedges, Wears, Fiſhgarths or other Incumbrances, or placing Seines acroſs any River to ſtop, obſtruct, or ſtraiten the natural Courſe and Paſſage of Fiſh in their Seaſons for ſpawning, muſt be very detrimental, and may entirely deſtroy the* Salmon, Bas, Shad, Ailwive, *and* Gaſpero *Fiſhery; which the new Settlers in general depend on, in a great Meaſure for their Subſiſtance*; Therefore in order to preſerve that valuable Support to the Inhabitants of this Province: *Be it Enacted by the Lieutenant Governor, Council and Aſſembly*, That the Juſtices in their *firſt General Quarter Seſſions* held in each County, annually, ſhall and are hereby impowered and directed to make Rules and Orders for the Regulation of the River Fiſhery in their Reſpective Counties, as they from Time to Time ſhall find neceſſary for the Preſervation thereof.

River Fiſhery to be regulated by the Juſtices in their Quarter Seſſions.

Perſons tranſgreſſing theſe Regulations to forfeit £.10

II. *And it is hereby further Enacted*, That if any Perſon or Perſons ſhall preſume to erect or ſet up any Hedge, Wear, Fiſhgarth, or other Incumbrance, or place any Seine or Seines acroſs any River in this Province, contrary to the Rules and Regulations ſo fixed on, and eſtabliſhed by the Juſtices in their ſaid *General Quarter Seſſions* annually, ſuch Perſon or Perſons ſhall, upon due Conviction thereof forfeit and pay the Sum of Ten Pounds, One half of which ſhall be for the Informer, and the other half for the Poor of the Townſhip, where the Offence ſhall be committed, to be recovered by Action, Bill, Plaint or Information in any of His Majeſty's Courts of Record.

One half to the Informer the other to the Poor.

The Juſtices in their General or Special Seſſions to make Regulations for the River Fiſhery and affix a Penalty for

breach thereof not exceeding £10.

how recovered.

III. 16. *Geo.* 3. *Ch.* 4. *It is Enacted by the Governor, Council and Aſſembly*, That it ſhall and may be lawful for the Juſtices in their *General or Special Seſſions of the Peace*, annually to make Rules and Orders for the Regulation of the River Fiſhery in their reſpective Counties and Diſtricts, as they from Time to Time ſhall find neceſſary for the Preſervation thereof, and to affix a Penalty for the Breach of the ſame, not exceeding Ten Pounds, to be recovered when the Sum does not exceed Twenty Shillings before one Juſtice, and when the Sum exceeds Twenty Shillings and not exceeding Three Pounds before two Juſtices, any Law, Uſage or Cuſtom to the contrary notwithſtanding.

IV. *And*

IV. *And be it alſo Enacted*, That the ſaid Juſtices in their Seſſions as aforeſaid, ſhall and may appoint two or more fit Perſons to be Overſeers of the River Fiſhery, who ſhall be ſworn to the faithful Diſcharge of their Duty, and ſhall have Power to remove any Net, Hedge, Wear, Fiſh garth, Seine or other Incumbrance, that ſhall be found in any River contrary to the Regulations made by the ſaid Juſtices.

The Juſtices to appoint two or more fit Perſons to be Overſeers of the River Fiſhery.

V. *And be it alſo further Enacted*, That if any Net, Hedge, Wear, Fiſh garth, Seine, or other Incumbrance ſhall be found in any River, contrary to the Regulations ſo made by the ſaid Juſtices, and no Owner appearing to claim the ſame in Ten Days after public Notice ſhall have been given, thereof, the ſaid Net, or Seine, ſhall, together with the Fiſh found therein, be forfeited and ſold, to ſatisfy the Penalties aforeſaid, the Overplus if any to be paid to the Overſeers of the Poor for the Uſe of the Poor of the Townſhip where the Offence ſhall be committed.

If any Net, Hedge &c. is found in any River contrary to the Regulations the ſame with the Fiſh therein to be forfeit.

VI. *Provided*, That nothing in this Act ſhall be conſtrued to extend to ſuch Rivers, to which Fiſh do not reſort in the Seaſons for ſpawning.

Nothing in this Act to extend to Rivers where Fiſh do not reſort in Seaſons for ſpawning.

CAP. II.

An Act to enable Propreitors of Lands to Aſſeſs and diſcharge the Expence which has accrued upon Dividing their Lands, by Virtue of a former Law of this Province.

Preamble.

WHEREAS *by an Act of this Province intitled*, "*An Act to enable Proprietors to divide their Lands, held in Common and undivided*," *ſundry Proprietors of Lands within this Province, have proceeded to a Diviſion under the Sanction of the aforeſaid Act, which has ſince been repealed*; *And Whereas conſiderable Expence has attended the making ſuch Diviſion, Be it Enacted by the Lieutenant Governor, Council, and Aſſembly*, That all Perſons, Proprietors of Lands within this Province, who by Virtue of an Act intitled, *An Act to enable Proprietors to Divide their Lands, held in Common and undivided*, have heretofore by a Majority of the Proprietors, agreed upon, and divided their Lands, under the Sanction, and agreeable to the Direction of the ſaid recited Act; each and every ſuch Proprietor ſhall

Proprietors of Lands held in common to pay their dividend of the Expence of dividing them.

pay their Dividend or proportional Part of all ſuch Expence, as may have ariſen from the making ſuch Diviſion.

The Accounts of ſuch Expences to be audited by order of the Quarter Seſſions, and approved by them, and each Proprietor to pay his Share.

II. *And be it further Enacted*, That all Accounts of Expences incurr'd for the Services aforeſaid ſhall, before Payment, be laid before the Juſtices of the Peace for each County, in their *Quarter Seſſions*, who are hereby impowered to appoint proper Perſons to audit ſaid Accounts, and to make a Dividend to each Right or Share of Land in ſuch Propriety, in juſt and equal Proportion; which Dividend or Proportion, when approved of by the ſaid Court of *Quarter Seſſions*, ſhall be paid by each Proprietor or Perſon in Poſſeſſion of ſuch Lands, to the Perſon or Perſons to be appointed by the Propriety to receive the ſame; and if any Proprietor or other Perſon in Poſſeſſion of any Right or Share of Land, divided as aforeſaid, ſhall refuſe or neglect to pay his, her, or their reſpective Dividend or Proportion as aforeſaid, it ſhall and may be lawful on Complaint of ſuch Receiver appointed as aforeſaid, for any One of His Majeſty's Juſtices of the Peace to iſſue a Warrant of Diſtreſs and Sale of the Delinquents Goods and Chattels, for the Recovery of the ſame, with the Charges of Proſecution.

One Juſtice to let the Lands of Perſons unable to pay, till their Dividend is made up.

III. *And be it further Enacted*, That if any Proprietors of Lands, divided as aforeſaid, be abſent, and no Perſon appearing in their Behalf, or ſhall be preſent, and have not any Goods or Chattels to anſwer his, her, or their Dividend or Proportion of Expences as aforeſaid, it ſhall and may be lawful for any One of His Majeſty's Juſtices of the Peace, reſiding in the Townſhip where ſuch Lands lie, to let out any Part of ſuch Delinquent's Land, that may be ſufficient to pay, by the Produce of the ſame, any ſuch Dividend or Proportion then due.

Perſons aggrieved thereby may complain for Redreſs to the Quarter Seſſions.

IV. *Provided always*, That if any Perſon or Perſons ſhall think themſelves aggrieved by any Juſtice of the Peace, concerning the letting their Lands as aforeſaid, ſuch Perſon or Perſons may complain to the Juſtices of the County in their *Quarter Seſſions*, which are hereby impowered to hear and determine all ſuch Complaints.

CAP. III.

An Act for the Relief of Inſolvent Debtors.

Perſons charged in Execution may apply by Petition, to the Court from whence the Proceſs iſſued, or to Two Juſtices in Vacation, to be diſcharged,

BE it *Enacted by the Honorable the Lieuteant Governor Council, and Aſſembly*, That from and after the End of this preſent Seſſion, if any Perſon or Perſons now charged, or who ſhall or may hereafter be charged in Execution for any Sum or Sums of Money, and ſhall be minded to deliver up to his, her, or their Creditors, all his, her, or their Effects, towards

wards the Satisfaction of the Debts, wherewith he, ſhe, or they ſtand charged, it ſhall and may be lawful to and for ſuch Priſoner to exhibit a Petition to any of the Courts of Law within the ſaid Province, or during the Intervals of the Sitting of ſuch Courts, to any Two of the Juſtices of any ſuch Courts, from whence the Proceſs iſſued, upon which he, ſhe, or they was or were taken or charged in Execution, certifying the Cauſe or Cauſes, of his, her, or their Impriſonment, and an Account of his, her, or their whole Real or Perſonal Eſtate, with the Dates of the Securities wherein any Part of it conſiſts, and the Deeds or Notes relating thereto, and the Names of the Witneſſes thereto, as far as his, her, or their Knowledge extends therein; and upon ſuch Petition the ſaid Court or the ſaid two Juſtices may, and are hereby required by Order or Rule of the ſaid Court, or by Order under the Hands and Seals of the ſaid Two Juſtices, and the ſeveral Creditors at whoſe Suit he, ſhe, or they ſtand charged as aforeſaid, to be ſummoned to appear perſonally, or by their Attorney in the ſaid Court, or before them the ſaid Two Juſtices, at a Day to be appointed for that Purpoſe; and upon the Day of ſuch Appearance, if any of the Creditors ſummoned refuſe or neglect to appear, upon Affidavit of the due Service of ſuch Rule or Order of the ſaid Two Juſtices, the ſaid Court or the ſaid Two Juſtices ſhall and may in a ſummary Way, examine into the Matter of ſuch Petition, and hear what can or ſhall be alledged on either Side, for or againſt the Diſcharge of ſuch Priſoner, and upon ſuch Examination the ſaid Court or the ſaid Two Juſtices may, and are hereby required to adminiſter or tender to the Priſoner, an Oath to the Effect following, which Oath the ſaid Court, or the ſaid Two Juſtices are hereby impowered to Adminiſter.

on giving an Account of their Real and Perſonal Eſtate.

The Court or Juſtices to make an Order to call the Creditors before them.

If Creditors fail to appear, the Court or Juſtices may examine into the Matter of the Petition.

and tender an Oath to the Priſoner.

The Oath.

I. A. B. *Do ſolemnly Swear in the Preſence of Almighty* GOD, *that the Account by me deliver'd into*

In my Petition to

Doth contain a true and full Account of all my Real and Perſonal Eſtate, Debts, Credits, and Effects whatſoever, which I, *or any in Truſt for me, have, or at the Time of my ſaid Petition had, or am or was in any Reſpect intitled to in Poſſeſſion, Remainder or Reverſion, (except the Wearing Apparel and Bedding for me or my Family, and the Tools or Inſtruments of my Trade or Calling, not exceeding Ten Pounds in the whole) and that I have not at any Time ſince my Impriſonment or before, directly or indirectly, ſold, leaſed, aſſigned or otherwiſe diſpoſed of, or made over in Truſt for myſelf, or otherwiſe, other than as mentioned in ſuch Account, any Part of my Lands, Eſtate, Goods, Stock, Money, Debts, or other Real or Perſonal Eſtate, whereby to have or expect any Benefit or Profit to myſelf, or to defraud any of my Creditors, to whom I am indebted.*

So help me GOD.

II. *And*

If the Creditors are ſatisfied of the Truth of the Priſoner's Oath, the Court or Juſtices may order the Lands, &c. to be aſſigned to the Creditors,

II. *And be it further Enacted*, That in Caſe the ſaid Priſoner ſhall in open Court, or before the ſaid Two Juſtices, take the ſaid Oath, and upon ſuch Examination and his or her taking the ſaid Oath, the Creditors ſhall be ſatisfied with the Truth thereof, the ſaid Court or the ſaid Two Juſtices may immediately order the Lands, Goods, or Effects, contained in ſuch Account, or ſo much of them as may be ſufficient to ſatisfy the Debts wherewith he, or ſhe, is or ſhall be charged, and the Fees due to the Sheriff of the ſaid Province, and the Keeper of the Goal or Priſon from which the Priſoner was brought, to be by a ſhort Indorſement on the Back of the ſaid Petition, ſigned by the Priſoner, aſſigned to the ſaid Creditors, or to one or more of them, in Truſt for the reſt of the ſaid Creditors, and by ſuch Aſſignment, the Eſtate, Intereſt, and Property of the Lands, Goods, Debts, and Effects ſo aſſigned, ſhall be veſted in the Perſon or Perſons to whom ſuch Aſſignment is or ſhall be made, who may take Poſſeſſion of, or ſue for the ſame in his, or their own Name or Names in like Manner as aſſignees of Commiſſioners of Bankrupts, to which Suit no Releaſe of the Priſoner, his, or her Executors, or Adminiſtrators, or any Truſtees for him or her, ſubſequent to ſuch Aſſignment, ſhall be any Bar; and

and the Priſoner to be diſcharged.

immediately upon ſuch Aſſignment executed, the ſaid Priſoner ſhall be diſcharged out of Cuſtody by Order of the ſaid Court, or of the ſaid Two Juſtices, and ſuch Order ſhall be a ſufficient Warrant to the Sheriff, Goaler, or Keeper of ſuch Priſon, to diſcharge the ſaid Priſoner, if detained for the Cauſes mentioned in ſuch Petition and no other; and he is hereby required to diſcharge and ſet him, or her at Liberty forthwith without Fee: Nor ſhall ſuch Sheriff, or Goaler, be liable to any Action of Eſcape or other Suit or Information upon that Account,

Priſoner's Lands, &c. to be divided among the Creditors.

and the Perſon or Perſons to whom the ſaid Effects ſhall be aſſigned, paying the Fees to ſaid Sheriff, Goaler or Keeper of the Priſon, in whoſe Cuſtody the Party diſcharged was, ſhall and are hereby required to divide the effects ſo aſſigned among themſelves, and all the Perſons for whom they ſhall be intruſted, in Proportion to their reſpective Debts:

If Creditors are not ſatisfied of the Truth of the Priſoner's Oath, before the Two Juſtices; the Priſoner to be remanded, and the Matter further enquired of by the Court.

But in Caſe the Perſon or Perſons at whoſe Suit ſuch Priſoner was charged in Execution, or any of them, ſhall not be ſatisfied with the Truth of the Oath of ſuch Priſoner before the Two Juſtices aforeſaid, and ſhall deſire further Time to inform himſelf or herſelf of the Matters contained therein, and ſhall inſiſt upon his, or her, being detained longer in Priſon, at his or their Suit, then the ſaid Juſtices ſhall and may remand the ſaid Priſoner, and direct the ſaid Priſoner, and the Perſon or Perſons diſſatisfied with ſuch Oath, to appear before the Court whence the Proceſs iſſued as aforeſaid, at a certain Day during the Sitting of the ſaid Court then next following ſuch Examination, and to be by them at that Time appointed, for the further Examination of the Matters contained in the ſaid Oath; Provided the ſaid Perſon or Perſons ſo diſſatisfied, do agree by Writting under his or their Hands, to ſupply and allow Weekly the full Quantity of Eight Pounds of

good

good and wholeſome Biſcuit Bread per Week unto the ſaid Priſoner, to be ſo ſupplied and allowed the Firſt Day of every Week from and after the Time of ſuch Priſoner's being ſo remanded, until the ſaid Day ſo appointed for the further Examination of the Truth of the Matters contained in the aforeſaid Oath before the ſaid Court as aforeſaid; on Failure of the ſupplying of which weekly Allowance at any Time, the ſaid Priſoner ſhall forthwith upon Application to the ſaid Court, or to the ſaid Two Juſtices, be diſcharged by ſuch Order as aforeſaid; but in Caſe the ſaid Priſoner ſhall refuſe to take the Oath before the ſaid Two Juſtices, or having taken the ſame, ſhall be detected of Falſity therein, he or ſhe ſhall be preſently remanded.

and ſuch Creditors to allow the Priſoner Eight Pounds of Biſcuit per Week in the Mean Time on Failure whereof the Priſoner to be diſcharged.

III. *And be it alſo Enacted*, That ſuch Judgment, Relief, and Directions by the ſaid Two Juſtices, ſo to be given as aforeſaid, ſhall be as good and effectual to all Intents and Purpoſes, as if the ſame had been made in the Court out of which the Proceſs iſſued, on which ſuch Priſoner was taken in Execution; and the like Proceedings ſhall be had thereupon, and a Record of ſuch Judgment ſhall be made up in the ſame Form, and returned and certified under the Hands of ſuch Two Juſtices before whom it ſhall be made, unto the Court from whence the Proceſs on which ſuch Priſoner was taken in Execution iſſued, to be a Record of the ſaid Court, and to be kept as ſuch amongſt the Records there.

Proceedings of the Two Juſtices to be effectual, and a Record thereof to be made and returned to the Court.

IV. *And be it further Enacted*, That if on the Appearance of ſuch Priſoner or Priſoners before the ſaid Court as aforeſaid, at ſuch ſecond Day ſo to be appointed by the ſaid Two Juſtices, the Creditor or Creditors of ſuch Priſoner or Priſoners diſſatisfied with the Truth of ſuch Oath, before the ſaid Two Juſtices, ſhall make Default in appearing; or in Caſe he, ſhe, or they ſhall appear, but ſhall be unable to diſcover any Eſtate or Effects of the Priſoner omitted in ſuch his, or her Petition, or to ſhew any Probability of his, or her, having been forſworn in the ſaid Oath, then the ſaid Court ſhall immediately cauſe the ſaid Priſoner to be diſcharged upon ſuch Aſſignment of his or her Effects in Manner as aforeſaid, unleſs ſuch Creditor or Creditors do inſiſt upon his, or her, being detained longer in Priſon at their Suit, and do agree by Writting under his, her or their Hands, to ſupply and allow Weekly the full Quantity of Eight Pounds of good wholeſome Biſcuit Bread per Week, unto the ſaid Priſoner, to be ſupplied and allowed the firſt Day of every Week, ſo long as he, or ſhe ſhall continue in Priſon at his, her, or their Suit as aforeſaid; on Failure of the Supply of which weekly Allowance at any Time, the Priſoner ſhall forthwith, upon Application to the ſaid Court, or during the Interval of ſuch Courts Sitting, to the ſaid Two Juſtices, be diſcharged by ſuch Order as aforeſaid.

If upon the Priſoner's appearing before the Court, the Creditors ſhall not appear, or ſhew a Probability, that the Priſoner is forſworn, &c. the Priſoner to be diſcharged, unleſs the Creditor inſiſt on his being longer detained, &c. agree to the weekly allowance of Bread;

on Failure whereof, the Priſoner to be diſcharged.

Proceedings when the Priſoner petitions during the Sitting of the Court.

V. *And be it Enacted*, That in caſe on the Appearance of the ſaid Priſoner, before any of the ſaid Courts of Law in this Province, on his Petition to them at any Time during their Sitting, preferred as aforeſaid, the Perſon or Perſons at whoſe Suit ſuch Priſoner was charged in Execution, or any of them, ſhall not be ſatisfied with the Truth of the ſaid Priſoner's Oath, at that Time made, but ſhall deſire further Time to inform himſelf or herſelf of the Matters contained therein, the ſaid Court may and ſhall remand the ſaid Priſoner, and direct the ſaid Priſoner, and the Perſon or Perſons diſſatisfied with ſuch Oath, to appear at another Day to be appointed by the ſaid Court ſometime within and during their then preſent Seſſions, for that Purpoſe; ſubject in the mean Time and until ſuch ſecond Day, to the ſame Allowance to the ſaid Priſoner, by ſuch Perſon or Perſons ſo diſſatisfied with the ſaid Priſoner's Oath, and liable to the like Diſcharge in Caſe of Default of ſuch Allowance as is herein before directed, upon Application to the ſaid Two Juſtices as aforeſaid: And if at ſuch ſecond Day ſo to be appointed, the Creditor or Creditors diſſatisfied with ſuch Oath, ſhall make Default in appearing, or in Caſe he, ſhe, or they ſhall appear, but ſhall be unable to diſcover any Eſtate or Effects of the Priſoner, omitted in ſuch his or her Petition, or to ſhew any Probability of his, or her having been forſworn in the ſaid Oath, then the ſaid Court ſhall immediately cauſe the ſaid Priſoner to be diſcharged, upon ſuch Aſſignment of his, or her Effects in Manner as aforeſaid, unleſs ſuch Creditor or Creditors do inſiſt upon his, or her, being longer detained in Priſon at their Suit, and do agree by Writing under his, her, or their Hands, to ſupply and allow Weekly the Quantity of Eight Pounds of good and wholeſome Biſcuit Bread per Week, unto the ſaid Priſoner, to be ſupplied and allowed the firſt Day of every Week, ſo long as he, or ſhe, ſhall continue in Goal, at his, her, or their Suit; on Failure of the ſupplying of which weekly Allowance at any Time, the ſaid Priſoner ſhall forthwith upon Application to the Court, or during the Interval of ſuch Courts Sittings, to any Two Juſtices of the ſaid Court, be diſcharged by ſuch Order as aforeſaid; but in Caſe the ſaid Priſoner ſhall refuſe to take the ſaid Oath, or having taken the ſame, ſhall be detected of Falſity therein, he or ſhe ſhall be preſently remanded.

Time limitted for Priſoners to preſent their Petitions.

VI. *And to prevent Perſons who may be charged in Execution from lying in Priſon, until they have ſpent their Subſtance wherewith they ſhould ſatisfy their Creditors, and afterwards taking the Benefit of this Act, where they have nothing left to deliver up to their Creditors; it is hereby Enacted*, That no Perſon charged or to be charged in Execution, excepting thoſe already in Goal, ſhall be allowed or permitted to exhibit a Petition to any of the Courts of Law in this Province, or to any of the ſaid Two Juſtices of ſuch Courts, from whence the Proceſs iſſued as is before provided, unleſs ſuch Petition be exhibited, if before the Court, within

within Ten Days next after the firſt Meeting of the ſaid Court which ſhall be next after ſuch Perſon ſhall be ſo charged in Execution, and if before the ſaid Two Juſtices, within Fourteen Days next after ſuch Perſon ſhall be ſo charged in Execution:

Tho' Priſoner's Perſon be diſcharged, his Lands, &c. to be always liable.

VII. *Provided always*, That tho' the Perſons of the Debtor or Debtors ſo diſcharged, ſhall never after be arreſted for the ſame Debt or Debts, yet notwithſtanding ſuch Diſcharge the Judgment againſt him, or her, ſhall ſtand and remain in Force, and Execution may be taken out thereon againſt his, or her Lands, Tenements, or Hereditaments, Goods, and Chattels, (his, or her Wearing Apparel, Bedding for him, or herſelf and Family, and neceſſary Tools for the Uſe of his or her Trade or Occupation excepted) in the ſame Manner as if he or ſhe had never been taken in Execution for the ſaid Debt.

If priſoner afterwards be convicted of Perjury in ſaid Oath, he ſhall ſuffer all the Pains of wilful Perjury,

and may be taken *de novo*, and charged again in Execution for the ſaid Debt.

VIII. *Provided alſo*, That if any Perſon who ſhall take ſuch Oath as aforeſaid, before the ſaid Two Juſtices, or before the ſaid Court as aforeſaid, ſhall upon any Indictment for Perjury, in any Matter or Particular contained in the ſaid Oath, be convicted by his, or her own Confeſſion, or by Verdict of Twelve Men, as he, or ſhe, may be by Force of this Act, the Perſon ſo convicted ſhall ſuffer all the Pains and Forfeitures which by Law be inflicted on any Perſon convicted of wilful Perjury, and ſhall be liable to be taken upon any Proceſs *de novo*, and charged in Execution for the ſaid Debt, in the ſame Manner as if he, or ſhe, had never been diſcharged or taken in Execution before, and ſhall never afterwards have the Benefit of this Act.

Sheriff or Goale to come in as a Creditor for their Fees.

IX. *Provided alſo*, That if the Effects ſo aſſigned, ſhall not extend to ſatisfy the whole Debts due to the Perſons at whoſe Suit he or ſhe was charged, and the Fees due to the ſaid Sheriff or Goaler, there ſhall be an Abatement in Proportion; and ſuch Sheriff or Goaler ſhall come in as a Creditor, for what ſhall be then due to him for his Fees, in Proportion with the Creditors at whoſe Suit he or ſhe was charged in Execution.

Sheriff &c. offending againſt this Act, forfeits £50.

X. *And be it likewiſe Enacted*, That every Sheriff or his Deputy, Bailiff, or other Officer or Miniſter aforeſaid, offending againſt this Act, ſhall (over and above ſuch Penalties or Puniſhments as he ſhall be liable unto, by the Law now in Force) for every Offence againſt this preſent Act, forfeit and pay to the Party thereby grieved, the Sum of Fifty Pounds, to be recovered with treble Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts of Law within this Province, wherein no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed.

Quakers Affirmation to be taken inſtead of an Oath.

XI. *And be it Enacted*, That in Caſes wherein by this Act an Oath is required, the ſolemn Affirmation of any Perſon being a Quaker, ſhall and may be accepted and taken in Lieu thereof, and every Perſon making

making ſuch Affirmation, who ſhall be convicted of wilful and falſe Affirming, ſhall incur and ſuffer ſuch and the ſame Pains, Penalties and Forfeitures, as are inflicted and impoſed by the Laws and Statutes now in Force, upon Perſons convicted of wilful and corrupt Perjury.

No Debtor to be diſcharged, whoſe Debts exceed £100. *Act ſuſpended till His Majeſty's Pleaſure be known. Confirmed by His Majeſty in Council.*

XII. *Provided nevertheleſs*, That nothing in this Act contained, ſhall extend or be conſtrued to extend, to diſcharge any Debtor impriſoned, the whole Amount of whoſe Debts ſhall exceed the Sum of One Hundred Pounds; nor that this Act ſhall be in Force, till His Majeſty's Pleaſure be known therein.

CAP. IV.

An ACT to Enable the Inhabitants of the ſeveral Townſhips within this Province to maintain their Poor.

Two Annual Meetings to provide for the poor.

BE it *Enacted by the Lieutenant Governor, Council and Aſſembly*, That from and after the Publication hereof, it ſhall and may be lawfull for the Inhabitants of the ſeveral Townſhips in this Province to hold two Meetings annually if neceſſary to make Proviſion for their Poor, previous Notice being firſt given by the Overſeers of the Poor for the time being who ſhall iſſue their Precept to the Conſtables of the ſeveral Townſhips requiring them to notify the Inhabitants to meet on the Days hereafter appointed at leaſt Ten Days before the Time of meeting. And if ſaid Overſeers ſhall neglect to iſſue their precept as aforeſaid each of the ſaid Overſeers ſhall forfeit and pay to the Treaſurer of the County for the Uſe of the Poor the the Sum of Ten Pounds, to be recovered by Bill, Plaint or Information in any of his Majeſty's Courts of Record.

Notice by Overſeers.

Overſeers neglecting

To pay Ten Pounds

Meetings in April and November.

II. *Be it further Enacted*, That the Time for holding the ſaid Meetings ſhall be on the firſt Mondays in *April* and *November*, when and where the ſaid Inhabitants (a Chairman being firſt choſen) ſhall and may proceed to chooſe five Freeholders, any three of whom to be a Quorum, who are hereby impowered to Aſſeſs the Inhabitants of ſaid Townſhip for ſuch Sum as ſhall be granted by the Majority of the Inhabitants ſo aſſembled for the Relief of the Poor to be aſſeſſed in juſt and equal proportions according to each perſons known Eſtate either real or Perſonal, and if any perſon ſo aſſeſſed ſhall refuſe or neglect to pay ſaid aſſeſſment to the perſon or perſons appointed by the ſaid Inhabitants to collect the ſame, the

ſame

ſame ſhall be levied by Warrant of Diſtreſs, and Sale, by any one Juſtice of the Peace. And in Caſe the Buſineſs ſo to be tranſacted at the ſaid Meetings cannot be compleated on the ſaid Days, it ſhall and may be lawful for the Chairman with the Conſent of the Majority of the Inhabitants then preſent, to adjourn the ſame to the day following, or to any other Day. And in Caſe alſo the ſaid Aſſeſſors ſhall neglect or refuſe to meet and make the ſaid Aſſeſſment within Twenty Days after their Appointment, each and every Perſon ſo refuſing or neglecting, ſhall be ſubject to a Fine of Five Pounds for the uſe of the Poor of ſuch Townſhip, which ſhall on Failure of Payment be levied on Complaint of the Overſeers of the Poor by Warrant of Diſtreſs and Sale from two Juſtices of the Peace, and another Aſſeſſor ſhall be appointed in his Stead. *Provided* no Perſon ſhall be obliged to ſerve as an Aſſeſſor oftner than once in three Years.

Chairman to adjourn.

Aſſeſſors neglecting.

to pay £5.

III. *Be it further Enacted*, That the ſaid Inhabitants in ſuch their annual Meeting ſhall be, and are hereby empowered to vote ſuch Sums of Money as they ſhall Judge neceſſary for the current Year to ſupport and maintain the Poor; and if the Sum ſo voted ſhall not be ſufficient the ſaid Inhabitants in ſuch their next Meeting ſhall and may vote ſuch further Sums as ſhall be thought neceſſary to make good ſuch Deficiency.

Inhabitants empowerd to vote Money.

IV. *Provided*, That if any Perſon ſhall think himſelf over-rated he may appeal for Redreſs to the next *General Seſſions of the Peace of ſaid County*, and the Juſtices thereof are hereby required and empowerd to examine, hear and determine all, and every ſuch Appeal or Complaint, and to give Redreſs as they in their Judgment ſhall think equitable and ſuch their Order and Judgment ſhall be final and bind all Parties.

Appeal allowed to the Seſſions.

V. *And be it Enacted*, That the Perſon or Perſons appointed to collect the Aſſeſſments aforeſaid, ſhall once in three Months account with and pay into the Hands of the Overſeers of the Poor of ſuch Townſhip all ſuch Sums of Money as he, or they may have received, and upon his or their Neglect or Refuſal to account and pay in the ſame as aforeſaid, ſuch Sums ſhall and may be recovered by the Overſeers of the Poor for the Time being by Bill, Plaint or Information, in any of his Majeſty's Courts of Record within this Province.

Collectors to account to the Overſeers.

VI. *And be it further Enacted*, That if the Perſon or Perſons ſo appointed to collect ſaid Aſſeſſments ſhall refuſe to ſerve in his ſaid Office, he ſhall forfeit and pay to the uſe of the Poor the Sum of Forty Shillings, and if upon his or their Acceptance of ſaid Office, he or they ſhall for the ſpace of Thirty Days neglect his or their Duty therein, every ſuch Collector or Collectors ſhall forfeit and pay the Sum of Five Pounds for every ſuch Neglect to be recovered by the Overſeers of the Poor in any of his Majeſty's Courts of Record.

Collector refuſing to ſerve to pay £40.

Neglecting his duty to pay £5.

Overſeers to Account an Oath to the Seſſions.

VII. *And be it alſo Enacted*, That the Overſeers of the Poor of each Townſhip reſpectively ſhall diſpoſe of the Monies voted and received for the Purpoſes aforementioned only, and ſhall account on Oath if required before the *General Seſſions of the Peace* held next after the Expiration of their Office for all Monies raiſed and diſburſed by them for the Support of the Poor and ſhall enter their Prooceedings in a Book to be kept for that Purpoſe, and at the Expiration of their Office ſhall deliver the ſame to their Succeſſors; and if the ſaid Oveerſeers do not for the future within one Month after the Expiration of their Office ſhall render an Account to the Clerk of the Peace of the County in which they reſide to be by him laid before the ſaid Juſtices of the Seſſions of all Monies ſo diſburſed as aforeſaid, they ſhall on Complaint of ſaid Clerk of the Peace, or of one or more Inhabitants forfeit and pay the Sum of Five Ponnds, to be levied by Warrant of Two of his Majeſty's Juſtices of the Peace for the Uſe of the Poor.

Neglecting their Duty to pay 5l.

Five Pounds.

Perſons incapable of paying not to be taxed.

VIII. *And be it further Enacted*, That no Perſon ſhall be aſſeſſed any Thing towards the Support of the Poor unleſs in the Opinion of the Aſſeſſors he ſhall be able to pay the Sum of one Shilling at leaſt annually.

Inhabitants Neglecting to meet.

The Seſſions may amerce the Townſhip.

IX. *And be it alſo Enacted*, That in all Caſes where the Inhabitants of any Townſhip ſhall neglect to meet and vote ſuch Sums as may be neceſſary for the Support of their Poor, the Juſtices at their Special Seſſions of the Peace, ſhall on the Application of the Overſeers of the Poor, amerce ſuch Townſhip in ſuch Sum or Sums of Money, as they ſhall think requiſite for that Purpoſe, and they ſhall alſo at ſuch Seſſions appoint five Freeholders, (three of which to be a Quorum) to aſſeſs the Sum ſo amerced on the Inhabitants, which Aſſeſſment ſo made, ſhall be affixed in ſome publick Place in ſuch Townſhip at leaſt Three Days before the End of the ſame Seſſions, that any of the Inhabitants ſo aſſeſſed, may if they ſee cauſe appeal therefrom, and that the Juſtices may dtermine thereon the ſame Seſſions. Which Sum ſo amerced ſhall be levied, paid and applied for the Support of the Poor of ſuch Townſhip, and if the Aſſeſſors ſo appointed ſhall refuſe or neglect to ſerve in ſaid Office, they ſhall be ſubject to a Fine of *Forty Shillings* each, for the Uſe of the Poor to be levied by Warrant of Diſtreſs and Sale, and others ſhall be appointed in their Room.

7. *Geo.* 3. *Ch.* 3.
8. *Geo.* 3. *Ch.* 5.
8. *Geo.* 3. *Ch.* 1. 2 *Seſſ.*
10. *Geo.* 3. *Ch.* 2.
12. *Geo.* 3. *Ch.* 6.
16. *Geo.* 3. *Ch.* 1.
17. *Geo.* 3. *Ch.* 8.

At

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *Firſt* Day of *July*, *Anno Domini* 1761, in the *Firſt Year* of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Twenty Second Day of *March* 1764, in the Fourth Year of His ſaid Majeſty's Reign; being the Fifth Seſſion of the Third *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT for amending Defects in Pleas, Proceſſes and Records.

Eng. Stat. 8. *H.* 6. *c.* 12. *Sect.* 1. 2.

BE it *Enacted by the Lieutenant Governor, Council, and Aſſembly*, That for Error in any Record, Proceſs or Warrant of Attorney, Original Writ or Judicial, Panel or Return, in any Places of the ſame razed or interlined, or in any Addition, Subſtraction, or Diminution of Words, Letters, Syllables, or Titles found therein, no Judgment or Record ſhall be reverſed or annulled, but the Judges of the Courts before whom ſuch Records and Proceſs ſhall be depending, ſhall have Power to examine ſuch Records and Proceſs Words, Pleas, Warrants of Attorney, Writs, Panels, or Return, by them and their Clerks, and to reform and amend, in Affirmance of the Judgments of ſuch Records and Proceſſes, all that which to them in their Diſcretion ſeemeth to be Miſpriſion of their Clerks, in ſuch Record, Proceſſes, Word, Plea, Warrant of Attorney, Writ, Panel and Return, except Appeals, Indictments, of Treaſons and Felonies, and the Outlawries for the ſame, † and the Subſtance of the proper Names, Sirnames, and Additions left out in Original Writs, and Writs of Exigent, and any other Writs containing Proclamation.

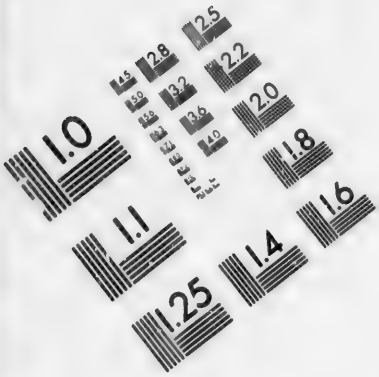
No Judgment, &c. to be reverſed for any Writ razed or interlined.

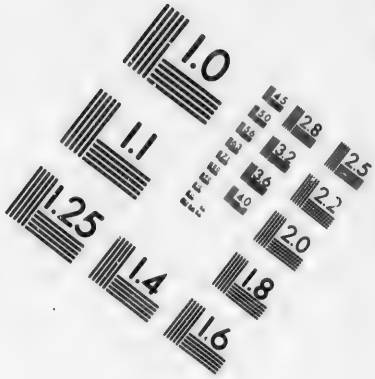
The Judges may amend all Defects which are Miſpriſion of their Clerk,

Except Appeals, &c.

† 1. *Bac. Abr. C. L. p.* 95. *Lit. C.*

II. *And*





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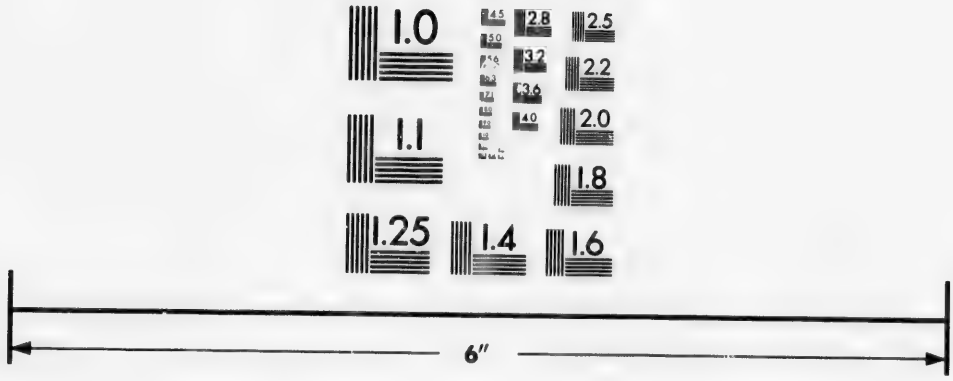

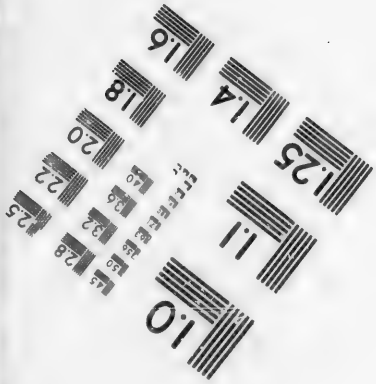

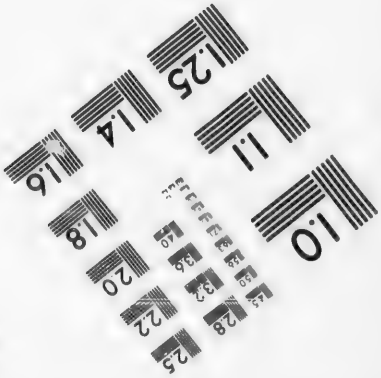

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II. *And be it further Enacted, by the Authority aforeſaid*, That * all Writs of Error, Appeals from Judgments in any Action. Real, Perſonal, or Mixt, according to the Courſe of Proceedings in this Province, wherein there ſhall be any Variance from the Original Record, or other Defect, may and ſhall be amended and made agreeable to ſuch Record, by the Courts where ſuch Writ or Writs of Error, or ſuch Appeals ſhall be returnable ‡; and that where any Verdict ſhall be given in any Action, Suit, Bill, Plaint or Demand, in any of His Majeſty's Courts of Record, within this Province, the Judgment thereupon ſhall not be ſtayed or reverſed for any Defect or Fault either in Form or Subſtance, in any Bill, Writ Original or Judicial, or for any Variance in ſuch Writs from the Declaration or other Proceedings.

* *Eng. Stat.* 5. *Geo.* 1. *c.* 13. Writs of Error varying from the Record may be amended.

‡ *Eng. Stat.* 18. *Eliz. c.* 14. 16. *&* 17. *Car.* 2. *cap.* 8. 1. *Vent.* 200. 5. *Geo.* 1. *c.* 13. After Verdict no Judgment ſhall be ſtayed, &c. for any Defect in any Bill, &c.

III. *Provided nevertheleſs*, That nothing in this Act contained, ſhall extend, or be conſtrued to extend, to any Appeal of Felony or Murder, or to any Proceſs upon any Indictment, Preſentment, or Information, of or for any Offence or Miſdemeanor whatſoever.

Not to extend to Appeals of Felony, &c.

C A P. II.

An ACT for preventing Abatement and Diſcontinuance of Suits.

BE it Enacted by the Lieutenant Governor, Council and Aſſembly, That in all Actions to be commenced in any Court of Record, from and after the *Firſt Day of June* next enſuing, if any Plaintiff happen to die after an interlocutory Judgment and before a final Judgment obtained therein, the ſaid Action ſhall not abate by Reaſon thereof, if ſuch Action might be originally proſecuted, or maintained by the Executors or Adminiſtrators of ſuch Plaintiff, and if the Defendant die after ſuch interlocutory Judgment and before final Judgment therein obtained the ſaid Action ſhall not abate, if ſuch Action might be originally proſecuted, or maintained againſt the Executors or Adminiſtrators of ſuch Defendant; and ſuch Court is hereby impowered to try the ſaid Action, and to determine and give Judgment thereon, in the ſame Manner as if the ſaid Suit had been commenced by, or againſt ſuch Executors or Adminiſtrators, as in Right of their Teſtators or Inteſtates.

Eng. Stat. 8. *&* 9. *Will.* 3. *c.* 11. *Sect.* 6.

1. *Salk.* 352.

Plaintiff or Defendant dying before final Judgment, Action not to abate.

II. *And be it further Enacted, by the Authority aforeſaid*, That if there be two or more Plaintiffs, or Defendants, and one or more of them ſhould die, if the Cauſe of ſuch Action, ſhall ſurvive to the ſurviving Plaintiff or Plaintiffs, or againſt the ſurviving Defendant or Defendants, the Writ or Action ſhall not be thereby abated but

Eng. Stat. 8. *&* 9. *Will.* 3. *c.* 11. *Sect.* 7.

but ſuch Death being ſuggeſted upon the Record, the Action ſhall proceed at the Suit of the ſurviving Plaintiff or Plaintiffs, againſt the ſurviving Defendant or Defendants.

Action may proceed notwithſtanding the Death of one of the Parties.

III. *And be it further Enacted*, That in all Actions Perſonal and Real, or Mixt, the Death of either Party between the Verdict and the Judgment ſhall not hereafter be alledged for Error, ſo as ſuch Judgment be entered within Two Terms after ſuch Verdict.

Eng. Stat. 17. *Car.* 2. *c.* 8. *Sect.* 1. Death of either Party between Verdict and Judgment.

IV. *And be it further Enacted, by the Authority aforeſaid*, That where any Judgment after a Verdict ſhall be had, by or in the Name of any Executor or Adminiſtrator, in ſuch Caſe an Adminiſtrator *de bonis non* may ſue forth a *Scire facias*, and take Execution upon ſuch Judgment.

Eng. Stat. 17. *Car.* 2. *c.* 8. *Sect.* 2. Judgment obtained by an Executor.

V. *And be it further Enacted*, That no Proceſs or Suit before any Juſtices of Aſſize, Goal Delivery, *Oyer* and *Terminer*, Juſtices of the Peace or other Commiſſioners, ſhall be diſcontinued by the making and publiſhing of any new Commiſſion or Aſſociation, or by altering the Names of the Juſtices of Aſſize, Goal Delivery, *Oyer* and *Terminer*, Juſtices of Peace or other Commiſſioners, but ſuch new Juſtices of Aſſize, Goal Delivery, and of the Peace and other Commiſſioners, may proceed as if the former Commiſſions, Juſtices or Commiſſioners, had remained and continued without Alteration.

Eng. Stat. 1. *Ed.* 6. *c.* 7. *Sect.* 6. No Suit before Juſtices ſhall be diſcontinued by a new Commiſſion.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *Twenty Eighth* Day of *May*, *Anno Domini* 1765, in the Fifth Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France* and *Ireland*, KING, Defender of the Faith, &c. being the Firſt Seſſion of the Fourth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT for the Choice of Town Officers and regulating of Townſhips.

Preamble.

WHEREAS the Method of nominating the reſpective Town Officers herein after mentioned by the Grand Jurors for the ſeveral Counties, as directed by the Laws of this Province, is found inconvenient; Be it Enacted by the Governor, Council, and Aſſembly, That the Grand Juries for the ſeveral Counties in this Province, at the Court of *General Seſſions of the Peace* for each County reſpectively, next enſuing the Publication of this Act, and thereafter annually at the Firſt *Seſſions* of the ſaid Court, ſhall nominate out of every Townſhip in the ſaid County, Ten fit Perſons, out of whom the ſaid Court ſhall appoint Five to be Surveyors of Lines and Bounds of each reſpective Townſhip, who are hereby impowered to ſurvey examine, and aſcertain the Lines and Bounds of their ſaid reſpective Townſhips, agreeable to the ſeveral Grants thereof, and who ſhall alſo be Overſeers of the Poor of the ſaid Townſhip; and at the ſame Time the ſaid Grand Jury ſhall in like Manner nominate two Perſons, one of whom the Court ſhall appoint to be Town Clerk of the ſaid Town, who ſhall be ſworn truly to enter and record all ſuch Matters and Things, as ſhall relate to the ſaid Townſhip, and ſhall appertain to his Office; and ſhall alſo nominate Four or more Conſtables, of whom the Court ſhall appoint Two or more as they ſhall ſee convenient to be Conſtables in the ſaid Townſhip; and alſo ſhall nominate Four Fence Viewers, of whom the ſaid Court ſhall appoint Two to be Fence Viewers in the ſaid Townſhip; and alſo ſhall nominate Two Clerks of the Market, of whom the ſaid Court ſhall appoint One to be Clerk of the Market in ſaid Townſhip; and ſhall alſo nominate Four Pound Keepers, of whom the ſaid Court ſhall appoint a ſufficient Number in their Diſcretion to be Pound Keepers in the ſaid Townſhip; and ſhall alſo nominate Four or more Cullers and Surveyors of Fiſh, of whom the ſaid Court ſhall appoint a ſufficient number in their Diſcretion to be Cullers and Surveyors of Fiſh in the ſaid Townſhip: and ſhall alſo nominate Four Surveyors of Lumber and Cord Wood, of whom the ſaid Court ſhall appoint two to be Surveyors of Lumber and Cord Wood in the ſaid Townſhip; and ſhall alſo nominate Two Sealers of Leather, of whom the ſaid Court ſhall appoint one to be Sealer of Leather in the ſaid Townſhip; and ſhall alſo nominate Four Gaugers of Caſks, of whom the ſaid Court ſhall appoint Two to be Gaugers of Caſks in the ſaid Townſhip; and ſhall alſo nominate Four Hogreaves, of whom the ſaid Court ſhall appoint Two to be Hogreaves in the ſaid Townſhip. *And ſhall alſo nominate Six fit Perſons out of which the Court ſhall appoint three to be Aſſeſſors of all ſuch Rates and Taxes as are now payable or which may hereafter be payable by any Act or Acts of the General Aſſem-*

Grand Jury at the firſt General Quarter Seſſions Annually to nominate, and the Court to appoint,

Surveyors of Lines and Bounds, and Overſeers of the Poor,

Town Clerk,

Conſtables,

Fence Viewers,

Clerk of the Market,

Pound Keepers,

Cullers and Surveyors of Fiſh,

Surveyors of Lumber,

Sealers of Leather,

Gaugers of Caſks,

Hogreaves,

17. *Geo.* 3. *Ch.* 1.

Aſſembly of this Province and Four Perſons out of which the Court ſhall appoint Two to be Collectors of all Rates and Taxes in each Townſhip and Four Perſons out of which the Court ſhall appoint Two to be Surveyors and Weighers of Hay in each Townſhip. Who ſhall reſpectively be ſworn to the faithful Diſcharge of their Duty in Manner as is already preſcribed by the Laws of this Province, and ſhall in every reſpect conform to the ſaid Laws, and upon their, or any of their Refuſal to accept, or being guilty of any Neglect, or Miſbehaviour in the Execution of the Duty of their reſpective offices, they ſhall forfeit and pay for the Uſe of the Poor of the ſaid Townſhip, the Sum of Forty Shillings for every ſuch Refuſal, Neglect, or Miſbehaviour; to be recovered upon Proof of ſuch Refuſal, Neglect or Miſbehaviour, by the Oath of one Credible Witneſs, before any Two of His Majeſty's Juſtices of the Peace for the County wherein ſuch Townſhip lies, to be levied by Warrant of Diſtreſs and Sale of the Offender's Goods and Chattels, any Law, Uſuage, or Cuſtom to the contrary notwithſtanding: And if any Perſon ſo nominated and choſen, ſhall leave the Province, change the Town of his Reſidence, or happen to die within the Period, for which he was nominated and appointed to ſerve in any of the ſaid Offices, in ſuch Caſe any Two of his Majeſty's Juſtices of the Peace for the County, ſhall and may nominate and appoint a fit Perſon or Perſons, to ſerve in ſuch vacant Office, until another ſhall be nominated by the Grand Jury, and appointed by the ſaid *Court of General Seſſions*, at their Meeting next enſuing ſuch Vacancy.

Perſons refuſing to accept, or being guilty of Neglect or Miſbehaviour, to forfeit 40*s.* for the uſe of the Poor,

in Caſe of Abſence, &c. others to be appointed by two Juſtices.

VII. 17. *Geo.* 3. *Ch.* 1. *Sect.* 2. *It is Enacted*, That the Surveyors and Weighers of Hay, ſhall be paid for their Trouble in viewing and weighing Hay, at the Rate of one Penny *per* Hundred Weight, and four Pence *per* Mile Travel, if ſuch Travel ſhall exceed one Mile, to be paid by the Seller.

Allowance to the Surveyors & weighers of hay.

II. *Provided always*, That nothing in this Act contained ſhall extend, or be conſtrued to extend to reſtrain any Privileges that may hereafter be granted, by any Charter of Incorporation, to any Town or Towns within this Province.

Not to extend to any Towns that may be hereafter incorporated.

III. *And for the better regulating the ſeveral Townſhips in this Province*; *Be it Enacted*, That the original Boundary Lines of each and every Townſhip or Diſtrict within this Province, ſhall be run betwixt Townſhip and Townſhip, and Marks renewed once in Three Years, *viz.* on the Firſt Monday in March, by the Surveyors of Lines and Bounds appointed for the reſpective Townſhips, as directed by this Act, or the major Part of them, and the Perſons ſo appointed for each reſpective Townſhip are hereby impowered and directed to give Six Days Notice to the Perſons appointed for the adjacent Townſhips, of the Time and Place of Meeting for ſuch Survey, and any Perſon or Perſons appointed as aforeſaid, refuſing or neglecting to attend at the Place

Boundary Line, to be run and Marks to be renewed once in three Years.

On Six Days Notice, Surveyors

neglecting to attend, forfeit 40s.

Place mentioned in ſuch Notice, being duly ſerved therewith, ſhall forfeit and pay the Sum of Forty Shillings each, to be recovered on Complaint before any Two of his Majeſty's Juſtices for the County where ſuch Complaint ſhall be made, and one Half of the Forfeiture ſhall be paid to the Perſon or Perſons who ſhall complain and proſecute for the ſame, and the other Half to the Overſeers of the Poor, for the Uſe of the Poor of ſuch Towns from whence the Complaint was made; and whenever the Surveyors of any Townſhip, which ſhall have had Notice as aforeſaid, ſhall refuſe or neglect to attend the ſaid Buſineſs, the Surveyors who ſhall have given ſuch Notice ſhall, and they are hereby impowered to proceed in running and making ſuch Line, which ſhall be as effectual as if the Surveyors of both Townſhips had joined.

Proprietors of Lands unfenced,

or Common Fields once in Two Years,

on Six Days Notice, to run the Lines and keep up the Boundaries, or forfeit 20s.

Common Fields to be ordered, improved and fenced, as ſhall be agreed on by the major Part of the Proprietors.

Perſons refuſing to fence their Proportion, to pay double the Coſt for the ſame, to be done by the Fence Viewers.

IV. *And be it further Enacted*, That each and every Proprietor of Lands laying unfenced, or in any Common Field, ſhall once in Two Years on Six Days Notice given him, his Agent, or Attorney, by the next Proprietor or Proprietors adjoining, run the Lines, make and keep up the Boundaries of ſuch Lands or Common Fields by Stones or other ſufficient Marks, and every Party ſo neglecting or refuſing, ſhall forfeit the Sum of Twenty Shillings, one Half of which ſhall be to the Party complaining, and the other Half to the Overſeers of the Poor for the Uſe of the Poor of ſaid Townſhip, and to be heard and determined before any One of his Majeſty's Juſtices of the Peace within the ſame County; and the Proprietors of any Field held in Common, whether divided or undivided, ſhall, and they are hereby impowered to order, improve and fence, in ſuch Way or Manner as ſhall be concluded and agreed upon by the major Part of the intereſted therein; the Voices to be collected and accounted according to their reſpective Intereſts; and if any Perſon ſhall refuſe to make, keep up, ſupport, and maintain his *quota* Part or Proportion of ſuch Fence ſo agreed on to be made, and ſhall on Notice given him for that Purpoſe by any one of the Proprietors concerned with him in the ſaid Common Field, neglect the ſame for the Space of Thirty Days, the Fence Viewer ſhall, on Application being made to him, make and ſet up the deficient Fence, or repair any Fence already made, if in his Judgment the ſame is inſufficient, and the Perſon or Perſons, that of Right ought to build and maintain the ſame, ſhall pay double the Coſts and Charges, expended for the doing thereof, and in Caſe of Refuſal ſuch Fence Viewer may recover the ſame before the *Inferior Court of Common Pleas* or before One or Two Juſtices according to the Value thereof; and the ſaid Fence Viewer, ſhall be allowed Three Shillings *per* Day for his own Trouble, and Time expended therein.

V. And if any Perſon or Perſons ſhall neglect or refuſe to comply with any Regulation made by the Proprietors of any Common Field

as

but such Death being suggested upon the Record, the Action shall proceed at the Suit of the surviving Plaintiff or Plaintiffs, against the surviving Defendant or Defendants.

Action may proceed notwithstanding the Death of one of the Parties.

III. *And be it further Enacted*, That in all Actions Personal and Real, or Mixt, the Death of either Party between the Verdict and the Judgment shall not hereafter be alledged for Error, so as such Judgment be entered within Two Terms after such Verdict.

Eng. Stat. 17. *Car.* 2. *c.* 8. *Sect.* 1. Death of either Party between Verdict and Judgment.

IV. *And be it further Enacted, by the Authority aforesaid*, That where any Judgment after a Verdict shall be had, by or in the Name of any Executor or Administrator, in such Case an Administrator *de bonis non* may sue forth a *Scire facias*, and take Execution upon such Judgment.

Eng. Stat. 17. *Car.* 2. *c.* 8. *Sect.* 2. Judgment obtained by an Executor.

V. *And be it further Enacted*, That no Process or Suit before any Justices of Assize, Goal Delivery, *Oyer* and *Terminer*, Justices of the Peace or other Commissioners, shall be discontinued by the making and publishing of any new Commission or Association, or by altering the Names of the Justices of Assize, Goal Delivery, *Oyer* and *Terminer*, Justices of Peace or other Commissioners, but such new Justices of Assize, Goal Delivery, and of the Peace and other Commissioners, may proceed as if the former Commissions, Justices or Commissioners, had remained and continued without Alteration.

Eng. Stat. 1. *Rd.* 6. *c.* 7. *Sect.* 6. No Suit before Justices shall be discontinued by a new Commission.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *First* Day of *July*, *Anno Domini* 1761, in the First Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France* and *Ireland*, KING, Defender of the Faith, &c. and there continued by several Prorogations until the Twelfth Day of *October* 1764, in the Fourth Year of His said Majesty's Reign; being the Sixth Session of the Third *General Assembly* convened in the said Province.

CAP. I.

An ACT *for Reformation of* Jeofails *and* Miſpleadings, *and to prevent* Arreſts *and* Reverſals *of* Judgments, *and for the better Advancement of* Juſtice.

Eng. Stat. 32. *Hen.* 8. *c.* 30. *Sect.* 1. After an Iſſue tried there ſhall be Judgment given notwithſtanding any Miſpleading, &c.

BE it *Enacted by the Governor, Council, and Aſſembly*, That if any Iſſue be tried by the Oath of Twelve or more indifferent Men for the Party Plaintiff or Demandant, or for the Party Tenant or Demandant, in any Courts of Record, the Juſtice or Juſtices, by whom Judgment thereof ought to be given, ſhall proceed and give Judgment in the ſame, any Miſpleading, want of Colour, inſufficient Pleading, or *Jeofail*, any Miſcontinuance or Diſcontinuance or Miſconveying of Proceſs, misjoining of the Iſſue, want of Warrant of Attorney for the Party, againſt whom the ſame Iſſue ſhall happen to be tried, or any other Default or Negligence of any of the Parties, their Counſellors or Attornies, had or made to the contrary notwithſtanding; and the ſaid Judgment ſhall ſtand according to the ſaid Verdict, without Reverſal by Writ of Error or falſe Judgment; *Provided*, that in avoiding of Errors through the Negligence of Attornies, every Perſon named as Attorney in Actions and Suits pleaded to Iſſue, ſhall from Time to Time deliver, or cauſe to be delivered his or their ſufficient and lawful Warrant of Attorney, to be entered of Record, for every of the ſaid Actions or Suits wherein they be named Attornies, to the Clerk of the Court; That is to ſay, The Attorney for the Plaintiff or Demandant, ſhall file his Warrant of Attorney as aforeſaid, the ſame Term he declares, and the Attorney for the Defendant or Tenant, ſhall file his Warrant the ſame Term he appears; upon Pain of forfeiting unto our Sovereign Lord the KING, the Sum of Five Pounds, for not delivering the ſaid Warrant of Attorney; to be recovered by Action of Debt, Bill, Plaint or Information.

Eng. Stat. 32. *Hen.* 8. *c.* 30. *Sect.* 2. When an Attorney ſhall enter his Warrant in Court.

Eng. Stat. 18. *Eliz. c.* 14. *Sect.* 1. After Verdict, Judgment ſhall not be ſtayed &c. for want of Form &c.

II. *And be it further Enacted*, That after Verdict as aforeſaid, the Judgment thereupon ſhall not be ſtayed or reverſed, for any Defect in Form in any Writ Original or Judicial, Count, Declaration, Bill, Plaint, Suit, or Demand, or any Variance in Form only between the Original or Bill, and the Declaration or Plaint, or for want of any Writ Original or Judicial, or for any imperfect or inſufficient Return of any Sheriff or other Officer.

Eng. Stat. 21. *Jac.* 1. *c.* 13. *Sect.* 2. Divers *Jeofails* in Suits of Law prevented and reformed.

III. *And be it further Enacted*, That after Verdict, Judgment thereupon ſhall not be ſtayed or reverſed for want of an Averment of any Life or Lives, ſo as the ſaid Perſon be proved to be alive, or for awarding the *Venire facias* to a wrong Officer, upon any inſufficient Suggeſtion, or becauſe the Viſne is in ſome Part miſawarded or ſued out of more or fewer Places than it ought to be, ſo as ſome one Place be right

right named, or for miſnaming any of the Jurors in Sirname or Addition in any of the Writs or Returns thereof, ſo as it be proved to be the ſame Man that was meant to be returned, or by Reaſon that there is no Return upon any of the ſaid Writs, ſo as a Panel of the Names of Jurors be returned and annexed to the ſaid Writ, or for that the Sheriffs or other Officers Name, having the Return thereof, is not ſet to the Return of any ſuch Writ, ſo as it be proved that the ſaid Writ was returned by ſuch Officer, or by reaſon that the Plaintiff in any *Ejectione firmæ*, or in any Perſonal Action or Suit, being an Infant under the Age of One and Twenty Years, did appear by Attorney therein, and the Verdict paſſed for him.

IV. *And be it further Enacted*, That Judgment ſhall not be ſtayed or reverſed after Verdict, for want of Pledges, or but one Pledge to proſecute, returned upon the Original Writ, or becauſe the Name of the Sheriff is not returned on the Original Writ, or for want of entering Pledges upon any Bill or Declaration, or for not alledging the bringing into Court any Bond, Bill, Indenture, or other Deed mentioned in the Declaration or other Pleading, or for want of Allegation of bringing into Court any Letters Teſtamentary, or Letters of Adminiſtration, or for Omiſſion of, *by Force and Arms*, and *againſt the Peace*, or for miſtaking the Chriſtian Name or Sirname of the Plaintiff or Defendant, Demandant or Tenant, Sum or Sums of Money, Day, Month or Year, by the Clerk in any Bill, Declaration or Pleading, where the right Name, Sirname, Sum, Day, Month or Year, in any Writ, Plaint, Roll or Record preceding, or in the ſame Roll or Record, where the Miſtake is committed, is or are once truly and rightly alledged, whereunto the Plaintiff might have demurred, and ſhewn the ſame for Cauſe, nor for want of Averment of *This he is ready to verify*, or for *This he is ready to verify by Record*, or for not alledging *as it appears by Record*, or for that there is no right Venue, ſo as the Cauſe were tried by a Jury of the proper County or Place, where the Action is laid, nor for that the Increaſe of Coſts after a Verdict in an Action, or upon a Non Suit in Replevin, are not entered to be at the Requeſt of the Party for whom the Judgment is given, nor by Reaſon that the Coſts in any Judgment whatſoever, are not entered to be by Conſent of the Plaintiff, but that all ſuch Omiſſions, Variances, Defects, and all other Matters of like Nature, not being againſt the Right of the Matter of the Suit, nor whereby the Iſſue or Trial are altered, ſhall be amended by the Juſtices or other Judges of the Courts where ſuch Judgments are or ſhall be given, or whereunto the Record is or ſhall be removed by Writ of Error, or by Appeal in any Action, Real, Perſonal or Mixt, according to the Uſage and Courſe of Proceedings in this Province.

Eng. Stat. 16 & 17. *Car.* 2. *c.* 8. *Sect.* 1.

This Act ſupplies ſeveral Defects in 21. *Jac.* 1. *c.* 13. *and adjudges many Points to be Form which were before conſtrued to be Subſtance, and not aided by the former Statutes.*

In what Caſes Judgment, after Verdict, ſhall not be ſtayed for want of Form in Pleading.

V. *And be it further Enacted*, That where any Demurrer ſhall be joined, and entered in any Action or Suit in any Court of Record within

in

Eng. Stat. 4. & 5. Ann. c. 16. Sect. 1. ſaid to have been penned by the Lord Somers.
Judges ſhall give Judgment on Demurrer &c. without regarding any Defect in Writs &c.
Vide Eng. Stat. 27. Eliz. c. 5. Sect. 1.

in this Province, the Judges ſhall proceed and give Judgment, according as the very Right of the Cauſe and Matter in Law ſhall appear unto them, without regarding any Imperfection, Omiſſion, or Defect in any Writ, Return, Plaint, Declaration, or other Pleading, Proceſs or Courſe of Proceeding whatſoever, except thoſe only which the Party demurring ſhall ſpecially and particularly ſet down and expreſs together with his Demurrer as Cauſes of the ſame, although ſuch Imperfection, Omiſſion, or Defect, be Matter of Subſtance, ſo as ſufficient Matter appear in the ſaid Pleadings, upon which the Court may give Judgment, according to the very Right of the Cauſe, and therefore no Advantage or Exception ſhall be taken of, or for an immaterial Traverſe, or of or for the Default of entering Pledges upon any Bill or Declaration, or of or for the Default of alledging the bringing into Court any Bond, Bill, Indenture or other Deed whatſoever mentioned in the Declaration or other Pleading, or of or for the Default of alledging the bringing into Court Letters Teſtamentary or Letters of Adminiſtration, or of or for the Omiſſion of *by Force and Arms, and againſt the Peace*, or either of them; or of or for the want of Averment of *This he is ready to verify*, or of *This he is ready to verify by Record*, or of or for not alledging *as it appears by the Record*, (but the Court ſhall give Judgment according to the very Right of the Cauſe as aforeſaid, without regarding any ſuch Imperfections, Omiſſions and Defects, or any other Matter of the like Nature, except the ſame ſhall be ſpecially and particularly ſet down and ſhewn for Cauſe of Demurrer.)

Exception.

Eng. Stat. 4. & 5. Ann. c. 16. Sect. 2. Judgment entered upon Confeſſion, &c. not to be reverſed for any Imperfection &c.

VI. *And be it further Enacted*, That no Judgment entered upon Confeſſion, *Nihil dicit*, or *Non ſum informatus*, in any Court of Record, ſhall be reverſed, nor any Judgment upon any Writ of Inquiry of Damages executed thereon, be ſtaid or reverſed for or by Reaſon of any Imperfection, Omiſſion, Defect, Matter or Thing whatſoever, which by force of this Act would have been aided and cured as *Jeofails*, in caſe a Verdict of Twelve Men had been given in the ſaid Action or Suit, ſo as there be an Original Writ or Bill, and Warrants of Attorney duly filed as by this Act is directed.

Eng. Stat. 4. & 5. Ann. c. 16. Sect. 24. Act to extend to all Suits for the King's Debts, &c.

VII. *And be it further Enacted*, That this Act ſhall extend in all *Jeofails* as aforeſaid to all Suits in any Court of Record, for Recovery of any Debt immediately owing, or any Revenue belonging to His Majeſty, His Heirs or Succeſſors.

Eng. Stat. 18. Eliz. c. 14. Sect. 2. 21. Jac. 1. c. 13. Sect. 3.

VIII. *Provided always, and be it Enacted by the Authority aforeſaid*, That nothing in this Act before contained, ſhall extend to any Writ, Declaration or Suit of Appeal of Felony or Murder, or to any Indictment or Preſentment of Treaſon, Felony, or Murder, or other Matter,

ter, or to any Proceſs upon any of them; or to any Writ, Bill, Action or Information upon any Penal Statute.

16. & 17. *Car.* 2. *c.* 8. *Sect.* 2. 4. & 5. *Ann. c.* 16. *Sect.* 7. To what this Act ſhall not extend.

IX. *And be it further Enacted*, That no Dilatory Plea ſhall be received in any Court of Record, unleſs the Party offering ſuch Plea do, by Affidavit, prove the Truth thereof, or ſhew ſome probable Matter to the Court to induce them to believe that the Fact of ſuch Dilatory Plea is true.

Eng. Stat. 4. & 5. *Ann. c.* 16 *Sect.* 11. No Dilatory Plea to be received unleſs on Affidavit.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *Twenty Eight* Day of *May*, *Anno Domini* 1765, in the Fifth Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France* and *Ireland*, KING, Defender of the Faith, &c. being the Firſt Seſſion of the Fourth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT for the Choice of Town Officers and regulating of Townſhips.

WHEREAS *the Method of nominating the reſpective Town Officers herein after mentioned by the Grand Jurors for the ſeveral Counties, as directed by the Laws of this Province, is found inconvenient; Be it Enacted by the Governor, Council, and Aſſembly*

Grand Jury at the firſt General Quarter Seſſions Annually to nominate, and the Court to appoint.

ſembly, That the Grand Juries for the ſeveral Counties in this Province, at the Court of *General Seſſions of the Peace* for each County reſpectively, next enſuing the Publication of this Act, and thereafter annually at the Firſt *Seſſions* of the ſaid Court, ſhall nominate out of every Townſhip in the ſaid County, Ten fit Perſons, out of whom the ſaid Court ſhall appoint Five to be Surveyors of Lines and Bounds of each reſpective Townſhip, who are hereby impowered to ſurvey examine, and aſcertain the Lines and Bounds of their ſaid reſpective Townſhips, agreeable to the ſeveral Grants thereof, and who ſhall alſo be Overſeers of the Poor of the ſaid Townſhip; and at the ſame Time the ſaid Grand Jury ſhall in like Manner nominate two Perſons, one of whom the Court ſhall appoint to be Town Clerk of the ſaid Town, who ſhall be ſworn truly to enter and record all ſuch Matters and Things, as ſhall relate to the ſaid Townſhip, and ſhall appertain to his Office; and ſhall alſo nominate Four or more Conſtables, of whom the Court ſhall appoint Two or more as they ſhall ſee convenient to be Conſtables in the ſaid Townſhip; and alſo ſhall nominate Four Fence Viewers, of whom the ſaid Court ſhall appoint Two to be Fence Viewers in the ſaid Townſhip; and alſo ſhall nominate Two Clerks of the Market, of whom the ſaid Court ſhall appoint One to be Clerk of the Market in ſaid Townſhip; and ſhall alſo nominate Four Pound Keepers, of whom the ſaid Court ſhall appoint a ſufficient Number in their Diſcretion to be Pound Keepers in the ſaid Townſhip; and ſhall alſo nominate Four or more Cullers and Surveyors of Fiſh, of whom the ſaid Court ſhall appoint a ſufficient number in their Diſcretion to be Cullers and Surveyors of Fiſh in the ſaid Townſhip: and ſhall alſo nominate Four Surveyors of Lumber and Cord Wood, of whom the ſaid Court ſhall appoint two to be Surveyors of Lumber and Cord Wood in the ſaid Townſhip; and ſhall alſo nominate Two Sealers of Leather, of whom the ſaid Court ſhall appoint one to be Sealer of Leather in the ſaid Townſhip; and ſhall alſo nominate Four Gaugers of Caſks, of whom the ſaid Court ſhall appoint Two to be Gaugers of Caſks in the ſaid Townſhip; and ſhall alſo nominate Four Hogreaves, of whom the ſaid Court ſhall appoint Two to be Hogreaves in the ſaid Townſhip. *And ſhall alſo nominate Six fit Perſons out of which the Court ſhall appoint three to be Aſſeſſors of all ſuch Rates and Taxes as are now payable, or which may hereafter be payable by any Act or Acts of the General Aſſembly of this Province, and Four Perſons out of which the Court ſhall appoint Two to be Collectors of all Rates and Taxes in each Townſhip and Four Perſons, out of which the Court ſhall appoint Two to be Surveyors and Weighers of Hay in each Townſhip*; Who ſhall reſpectively be ſworn to the faithful Diſcharge of their Duty in Manner as is already preſcribed by the Laws of this Province, and ſhall in every reſpect conform to the ſaid Laws, and upon their, or any of their Refuſal to accept, or being guilty

Surveyors of Lines and Bounds, and Overſeers of the Poor.

Town Clerk.

Conſtables.

Fence Viewers, Clerk of the Market,

Pound Keepers,

Cullers and Surveyors of Fiſh,

Surveyors of Lumber,

Sealers of Leather,

Gaugers of Caſks,

Hogreaves,

17. *Geo.* 3. *Ch.* 1.

guilty of any Neglect, or Miſbehaviour in the Execution of the Duty of their reſpective offices, they ſhall forfeit and pay for the Uſe of the Poor of the ſaid Townſhip, the Sum of Forty Shillings for every ſuch Refuſal, Neglect, or Miſbehaviour; to be recovered upon Proof of ſuch Refuſal, Neglect or Miſbehaviour, by the Oath of one Credible Witneſs, before any Two of His Majeſty's Juſtices of the Peace for the County wherein ſuch Townſhip lies, to be levied by Warrant of Diſtreſs and Sale of the Offender's Goods and Chattels, any Law, Uſage, or Cuſtom to the contrary notwithſtanding: And if any Perſon ſo nominated and choſen, ſhall leave the Province, change the Town of his Reſidence, or happen to die within the Period, for which he was nominated and appointed to ſerve in any of the ſaid Offices, in ſuch Caſe any Two of his Majeſty's Juſtices of the Peace for the County, ſhall and may nominate and appoint a fit Perſon or Perſons, to ſerve in ſuch vacant Office, until another ſhall be nominated by the Grand Jury, and appointed by the ſaid *Court of General Seſſions*, at their Meeting next enſuing ſuch Vacancy.

Perſons refuſing to accept, or being guilty of Neglect or Miſbehaviour, to forfeit 40s. for the uſe of the Poor.

In Caſe of Abſence, &c. others to be appointed by two Juſtices.

II. 17. *Geo.* 3. *Ch.* 1. *Sect.* 2. *It is Enacted*, That the Surveyors and Weighers of Hay, ſhall be paid for their Trouble in viewing and weighing Hay, at the Rate of one Penny *per* Hundred Weight, and four Pence *per* Mile Travel, if ſuch Travel ſhall exceed one Mile, to be paid by the Seller.

Allowance to the Surveyors & weighers of hay.

III. *Provided always*, That nothing in this Act contained ſhall extend, or be conſtrued to extend to reſtrain any Privileges that may hereafter be granted, by any Charter of Incorporation, to any Town or Towns within this Province.

Not to extend to any Towns that may be hereafter incorporated.

IV. *And for the better Regulating the ſeveral Townſhips in this Province, Be it Enacted*, That the original Boundary Lines of each and every Townſhip or Diſtrict within this Province, ſhall be run betwixt Townſhip and Townſhip, and Marks renewed once in Three Years, *viz.* on the Firſt Monday in March, by the Surveyors of Lines and Bounds appointed for the reſpective Townſhips, as directed by this Act, or the major Part of them, and the Perſons ſo appointed for each reſpective Townſhip are hereby impowered and directed to give Six Days Notice to the Perſons appointed for the adjacent Townſhips, of the Time and Place of Meeting for ſuch Survey, and any Perſon or Perſons appointed as aforeſaid, refuſing or neglecting to attend at the Place mentioned in ſuch Notice, being duly ſerved therewith, ſhall forfeit

Boundary Line, to be run and Marks to be renewed once in three Years.

On Six Days Notice, Surveyors neglecting to attend, forfeit 40s.

forfeit and pay the Sum of Forty Shillings each, to be recovered on Complaint before any Two of his Majeſty's Juſtices for the County where ſuch Complaint ſhall be made, and one Half of the Forfeiture ſhall be paid to the Perſon or Perſons who ſhall complain and proſecute for the ſame, and the other Half to the Overſeers of the Poor, for the Uſe of the Poor of ſuch Towns from whence the Complaint was made; and whenever the Surveyors of any Townſhip, which ſhall have had Notice as aforeſaid, ſhall refuſe or neglect to attend the ſaid Buſineſs, the Surveyors who ſhall have given ſuch Notice ſhall, and they are hereby impowered to proceed in running and making ſuch Line, which ſhall be as effectual as if the Surveyors of both Townſhips had joined.

Proprietors of Lands unfenced,

or Common Fields once in Two Years,

on Six Days Notice, to run the Lines and keep up the Boundaries, or forfeit 20s.

Common Fields to be ordered, improved and fenced, as ſhall be agreed on by the major Part of the Proprietors.

V. *And be it further Enacted*, That each and every Proprietor of Lands lying unfenced, or in any Common Field, ſhall once in Two Years on Six Days Notice given him, his Agent, or Attorney, by the next Proprietor or Proprietors adjoining, run the Lines, make and keep up the Boundaries of ſuch Lands or Common Field, by Stones or other ſufficient Marks, and every Party ſo neglecting or refuſing, ſhall forfeit the Sum of Twenty Shillings, one Half of which ſhall be paid to the Party complaining, and the other Half to the Overſeers of the Poor for the Uſe of the Poor of ſaid Townſhip, and to be heard and determined before any One of his Majeſty's Juſtices of the Peace within the ſame County; and the Proprietors of any Field held in Common, whether divided or undivided, ſhall, and they are hereby impowered to order, improve and fence, in ſuch Way or Manner as ſhall be concluded and agreed upon by the major Part of the intereſted therein, the Voices to be collected and accounted according to their reſpective Intereſts; and if any Perſon ſhall refuſe to make, keep up, ſupport, and maintain his *quota* Part or Proportion of ſuch Fence ſo agreed on to be made, and ſhall on Notice given him for that Purpoſe by any one of the Proprietors concerned with him in the ſaid Common Field, neglect the ſame for the Space of Thirty Days, the Fence Viewer ſhall, on Application being made to him, make and ſet up the deficient Fence, or repair any Fence already made, if in his Judgment the ſame is inſufficient, and the Perſon or Perſons, that of Right ought to build and maintain the ſame, ſhall pay double the Coſts and Charges, expended for the doing thereof, and in Caſe of Refuſal ſuch Fence Viewer may recover the ſame before the *Inferior Court of Common Pleas* or before One or Two Juſtices according to the Value thereof; and the ſaid Fence Viewer, ſhall be allowed Three Shillings *per* Day for his own Trouble, and Time expended therein.

Perſons refuſing to fence their Proportion, to pay double the Coſt for the ſame, to be done by the Fence Viewers.

VI. And if any Perſon or Perſons ſhall neglect or refuſe to comply with any Regulation made by the Proprietors of any Common Field

as

as aforeſaid, which Regulation ſhall be made annually, he or they ſhall forfeit and pay the Sum of Ten Shillings, for the Uſe of the Poor of the Town where ſuch Common Field ſhall lie; to be recovered by the Oath of One credible Witneſs before any One of his Majeſty's Juſtices of the Peace for the County wherein ſuch Lands are, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, and ſhall moreover make Satisfaction for all Damages that may have ariſen by ſuch Neglect or Refuſal.

Perſons neglecting to comply with Regulations made by Proprietors of Common Fields, forfeit 10s.

VI. *And Whereas many Inconveniencies have ariſen for want of Cattle being branded or otherways marked, that run in Common, Be it Enacted*, That all and every Owner of any Horſe or Horſes, Neat Cattle, Sheep or Swine, ſhall brand or otherways mark ſuch Horſe or Horſes, Neat Cattle, Sheep or Swine, in ſuch Manner as that the ſame may be clearly known; and ſhall enter ſuch Mark or Brand with the Town Clerk, in a Book to be kept by him for that Purpoſe, and the ſaid Town Clerk ſhall receive for Recording the ſaid Mark or Brand the Sum of Six Pence.

Cattle to be branded.

CAP. II.

An ACT to enable the Inhabitants in the ſeveral Townſhips in this Province, *(Halifax* excepted) to cauſe any abſent Proprietor of Lands within the ſame to pay a Dividend or Proportion of any County or Town Charge to be aſſeſſed according to Law, and to bear their juſt Proportion in repairing *Highways, Roads, and Bridges* within the ſaid Townſhips reſpectively.

WHEREAS there are many Non reſident Proprietors of Lands within this Province, whoſe Lands are enhanced in their Value by the Labour of thoſe who are preſent, and the Burthen of the neceſſary County and Town Charges being heavy on the reſident Proprietors; *Be it Enacted by the Governor, Council and Aſſembly*, That each and every Non reſident Proprietor or Proprietors of Lands in any Townſhip within this Province, (the Townſhip of *Halifax* excepted) ſhall pay or cauſe to be paid, his, her, or their juſt dividend or Proportion of all County and Town Charges hereafter to be aſſeſſed in ſuch County and Townſhip, and upon failure thereof the ſame to be recovered as directed by the Laws impowering ſuch Aſſeſſment, and each and every Non reſident Proprietor or Proprietors of Lands in any Townſhip, ſhall be obliged to do and perform his, her, or their Parts or Porportion of La-

Preamble.

Non reſident Proprietors to pay their Proportion of all County and Town Charges.

and for Labour on the Highways,

bour on the Highways, Roads, and Bridges, within their reſpective Townſhips, or pay for the ſame as delinquent Inhabitants are by Law directed.

on failure, one Juſtice may let out ſuch Delinquent's Lands for Payment thereof.

II. *And be it alſo Enacted*, That if any Proprietor or Proprietors of Lands in any Townſhips as aforeſaid ſhall be abſent, and no Perſon appearing in their Behalf, on public Notice being given in the *Halifax* Gazette, to pay his, her, or their Dividend or Proportion of any Aſſeſſment made in virtue of any Law of this Province, and to labour on the Highways, Roads and Bridges as aforeſaid, and not having any Goods and Chattles to anſwer his, her, or their Dividend or Proportion of any Charge made as aforeſaid, it ſhall and may be lawful for any One of his Majeſty's Juſtices of the Peace, who are hereby impowered, to let out any Part of ſuch Delinquent's Lands, as may be ſufficient to pay by the Produce of the ſame, any ſuch Dividend, Proportion or Charge ſo due; and in Caſe the Lands of ſuch Abſentee, ſhould not for the preſent, produce ſufficient to pay the Quota of his, her, or their Proportion of ſuch Aſſeſſment, that then the Lands of ſuch Delinquent ſhall be held chargeable therewith.

Appeal to the *General Seſſions*.

III. *Provided always*, That if any Proprietor or Proprietors of Lands, let out and held as aforeſaid, ſhall think himſelf or herſelf aggrieved, by the Proceedings of any Juſtice of the Peace, in letting out his, her or their Lands as aforeſaid, ſuch Proprietor or Proprietors, by themſelves or their Attornies, may complain to the Juſtices in their *General Seſſions of the Peace* for ſaid County, for Relief therein.

CAP. III.

An Act for the raiſing Money by Preſentment on the ſeveral Counties in this Province, for the defraying certain County Charges therein mentioned.

Eng. Stat. 43. *Eliz.* c. 3.
Grand Juries at the Court of *Aſſize* or *General Seſſions of the Peace*, to preſent annually a proper Perſon to be County Treaſurer, to be approved and ſworn by the Court.

BE it *Enacted, by the Governor, Council, and Aſſembly*, That from and after the Publication hereof, it ſhall and may be lawful for the ſeveral Grand Juries in each of the ſeveral Counties in this Province, either at the Court of *Aſſize*, or *General Seſſions of the Peace* held for ſuch County, to preſent annually a proper and fit Perſon, one of the Freeholders of ſaid County, to be a Treaſurer for ſaid County for the Year enſuing, and ſuch Perſon being approved of by the Court, ſhall be ſworn to the due Execution of his Office, and Inveſted with all the Powers and Truſts, as herein after directed.

II. *And*

II. *And be it further Enacted*, That it ſhall and may be lawful for the ſeveral Grand Juries in each of the ſeveral Counties within this Province, either at the Court of *Aſſize* or *General Seſſions of the Peace* held for ſuch County, to make Preſentment, upon proper Repreſentations made thereon by three or more Freeholders of the ſaid County, or of their own Knowledge, of all ſuch Sum and Sums of Money or Expences that may be found to have ariſen, or that may be abſolutely neceſſary to be raiſed for the building or repairing a County Goal, or for the building or repairing a Court or Seſſion Houſe, erecting Stocks, Pillories, or Pounds, and providing Bolts and Shackles, as alſo for the conveying † of Perſons accuſed of any Treaſon or Felony, to the County Goal, being Three Miles diſtance or upwards, ſo as the ſame do not exceed Six Pence per Mile; as likewiſe for the ſupport of poor Criminals in Goal.

Eng. Stat. 11. & 12. *Will.* 3. *c.* 19. *Sect.* 1. *directs Rates for Repair of Goals.*

Grand Juries to preſent what Sums are neceſſary to be raiſed for building & repairing a Goal &c.

† *Eng. Stat.* 3. *Jac.* 1. *c.* 10. *Sect.* 1.

III. *And be it alſo further Enacted*, That all Money ſo raiſed by Preſentment as aforeſaid, and levied from off the Inhabitants of the ſeveral Counties, ſhall be paid into the Hands of the County Treaſurer, and ſhall not be applied to any other Uſe than ſuch for which the ſame was raiſed; and if any Perſon or Perſons who ſhall be appointed in the ſaid Preſentment and Order thereon, to be the Director or Directors, Overſeer or Overſeers of the Work, or the Diſtributor or Diſtributors of the Money hereby raiſed, for which ſuch Preſentment was made, ſhall not at the next *General Aſſizes* or *General Seſſions* of the County, or in a reaſonable Time to be by them appointed, make appear in his or their Account or Accounts, with good Vouchers, that the Money ſo raiſed and received by him or them, ſhall have been expended purſuant to ſaid Preſentment to the Uſe of the County, he or they ſhall ſtill be chargeable with the ſame; and every Perſon ſo accountable for any Public Money ſhall, when required by the Juſtices at their *General Seſſions* or by the *Judges of Aſſize* at their *General Goal Delivery*, make up their Accounts on Oath, and if ſuch Accountants ſhall neglect to make a fair and juſt Account of all ſuch Public Money or ſhall upon ſuch Accounts be found to have ſuch Money or any Part thereof remaining in his or their Hands, ſuch Accountants ſhall forthwith pay ſuch Money into the Hands of ſuch Perſons, as ſhall by ſuch Grand Jury and Juſtices of the Peace or Judges of *Aſſize*, be preſented and ordered for the Uſe of ſuch County where ſuch Public Money ſhall be raiſed; and in Default thereof ſuch Perſon or Perſons ſo accountable, ſhall by the Juſtices at their ſaid Seſſions or Judges of *Aſſize* at their reſpective *Aſſizes* be committed to the Common Goal, in Execution, until ſuch Accounts ſhall be made and Balance paid, or ſufficient Sureties given for the ſame.

Monies to be paid into the Treaſurer's Hands, &c.

For the Uſe of the County.

IV. *Pro-*

No Preſentment to be confirmed till the laſt Day of tha Court's Sitting.

IV. *Provided always, and be it Enacted*, That no Preſentment for the raiſing Money as aforeſaid, ſhall be confirmed by the Judges of *Aſſize* or the Juſtices in *General Seſſions*, until the laſt Day of the Sitting of the ſaid Court of *Aſſize* or *General Seſſions of the Peace*, and ſuch Preſentment ſo made ſhall be poſted up in the Court Houſe from the Time of its being made till the ſame is confirmed, to the End that all Perſons concerned may have Notice thereof, and object againſt and traverſe the ſame, if they ſee convenient.

Ten Pounds *per Ann.* to be allowed to the Treaſurer for his Services.

Three Aſſeſſors to be appointed by the Grand Jury and ſworn.

V. *And be it further Enacted*, That it ſhall be lawful for the ſeveral Grand Juries in each County in this Province, at the *Aſſizes* and at the *General Seſſions of the Peace* to make Preſentment if they think fit, and for the Judges and Juſtices to confirm the ſame, for the raiſing any Sum not exceeding Ten Pounds *per Annum*, to be paid to the Treaſurer of each County for his Services in that Station; and alſo that it ſhall and may be lawful for ſaid Grand Juries to preſent Three or more good and ſufficient Freeholders for every Townſhip in ſaid County, to be Aſſeſſors for ſaid Townſhip, who are to be approved of by the Court, and are to be ſworn by the ſaid Court, or before any One of His Majeſty's Juſtices of the Peace, to the due and faithful Execution of the Office to which they are appointed, and that without Favour or Affection, Hatred or Malice, to the beſt of their Skill and Knowledge; and in Caſe any Perſon, who may be appointed an Aſſeſſor as aforeſaid, and ſhall refuſe to accept the ſaid Office, another Perſon ſhall immediately be appointed in his ſtead by the Court, or by any Two of His Majeſty's Juſtices of the Peace, and the Perſon ſo refuſing ſhall forfeit the Sum of Five Pounds, to be recovered by Bill, Plaint, or Information in any of His Majeſty's Courts of Record, or before any Two of His Majeſty's Juſtices, and be paid to the Treaſurer of the County, for the Uſe of the County wherein ſuch Aſſeſſor was appointed.

Perſons refuſing to accept, forfeit 40s. and another to be appointed.

Judges of *Aſſize* or Juſtices of *Seſſions*, to determine each Town's Proportion.

To be levied by Warrant from Two Juſtices.

Perſons aggrieved may appeal to the next *Seſſions*.

VI. *And be it alſo further Enacted*, That the Judges of *Aſſize* or Juſtices in *General Seſſions* for each County, ſhall agree and determine each reſpective Town's Proportion of the Sum ſo preſented and confirmed by the Court; and the Sum ſo proportioned, ſhall be aſſeſſed on the Inhabitants in each Townſhip, in the juſteſt and moſt equal Manner they can deviſe, and the ſame ſhall be levied by the Conſtables of the ſaid Townſhips reſpectively, by Warrant under the Hand and Seal of any Two of His Majeſty's Juſtices of the Peace for the ſaid County, and in Caſe of Refuſal, by Diſtreſs and Sale of the Goods and Chattels of the Perſon refuſing or neglecting to pay the Sums aſſeſſed on them as aforeſaid, with the Charge of ſuch Diſtreſs and Sale, returning the Overplus if any; and in Caſe any Perſon or Perſons ſhall think themſelves aggrieved by ſuch Aſſeſſment or Levying thereof, they ſhall be at Liberty to appeal to the next *General Seſſions* held for the County, who are finally to determine the ſame; and the Money, when ſo levied,

vied, ſhall be paid into the Hands of the County Treaſurer, who is to pay the ſame to the Perſons, as directed in the Preſentment.

Treaſurer to make up his Accounts at every Court of *Aſſize* or *General Seſſions*.

VII. *And be it Enacted*, That the Treaſurer in each County ſhall make up his Accounts upon Oath of all his Receipts and Payments, at every Court of *Aſſize* or *General Seſſions* held for ſaid County, to be approved or diſapproved by ſaid Courts, and the ſame ſhall be filed in the Office of the Clerk of the Peace for ſaid County; and no Treaſurer or other Perſon or Perſons concerned, is to compound for any Money to be raiſed on ſaid County, nor make any Deduction whatſoever for any Sum he or they ſhall pay to any Perſon or Perſons, but ſuch as he or they ſhall account for by proper Vouchers; and if any Treaſurer ſhall offend herein, or neglect to make up his Account as aforeſaid, he ſhall for ever be incapable to ſerve as Treaſurer again, and be committed to Goal without Bail or Main Prize, until he fairly accounts with the Court of *Aſſize* or *General Seſſions of the Peace* held for ſuch Town or County, and from the ſaid Court to receive a Certificate of his having paſſed his Accounts to their Approbation.

Upon the Neglect of the Grand Juries to make Preſentment, the Judges of *Aſſize* or the Juſtices in *General Seſſions*, ſhall amerce the County in ſuch Sums as may be neceſſary to defray the County Charges,

to be aſſeſſed on the Inhabitants by three Aſſeſſors to be appointed in each Townſhip.

VIII. 8. *Geo.* 3. *Ch.* 6. *Be it Enacted by the Lieutenant Governor, Council, and Aſſembly*, That on the Neglect or Refuſal of ſuch Grand Juries to make Preſentment as is directed in and by the aforeſaid Act, the Judges of *Aſſize*, or the Juſtices of the Peace in their *General Seſſions*, ſhall, and they are hereby impowered to amerce the County in ſuch Sum or Sums as it ſhall appear to them (upon due Proof made before them) to be neceſſary for defraying the Expences which have ariſen, or ſhall be judged by them neceſſary to be raiſed, for the Uſe of the County; which ſaid Sum or Sums ſhall be equally aſſeſſed on the Inhabitants of ſaid County, according to their Ability, and paid into the Hands of the Treaſurer of the County, for the Uſes aforeſaid; and the Judges or Juſtices aforeſaid are hereby authorized and impowered to appoint three Aſſeſſors in each Townſhip, for the aſſeſſing the Money aforeſaid.

The Aſſeſſors ſhall appoint Collectors

Their Duty,

and Allowance,

IX. *Sect.* 2. *Be it Enacted*, That it ſhall and may be lawful for the reſpective Aſſeſſors, already appointed or to be appointed for any Town, to nominate and appoint one or more Collectors, to collect and receive all Sums of Money as have been or may be aſſeſſed purſuant to this or the ſaid Act, and the ſaid Collector or Collectors, when he or they ſhall have ſo collected and received the ſaid Sums of Money, ſhall pay the ſame into the Hands of the County Treaſurer, deducting for his or their Trouble in collecting the ſame, one Shilling in the Pound.

Perſons refuſing to ſerve as Collectors, forfeit £5.

X. *Sect.* 3. *And be it alſo Enacted*, That if any Perſon or Perſons appointed Collectors as aforeſaid, ſhall refuſe or neglect to ſerve as ſuch, each and every ſuch Perſon ſo neglecting or refuſing, ſhall forfeit and pay the Sum of Five Pounds, to be levied, in default of Payment, by

Warrant of Diſtreſs and Sale of the Goods of ſuch Perſon or Perſons, under the Hand and Seal of any Two of His Majeſty's Juſtices of the Peace for the County wherein ſuch Perſon or Perſons ſhall or may be appointed, returning the Overplus, if any be, to the Owner or Owners of the Goods ſo to be diſtrained and ſold as aforeſaid; and ſuch Fine ſhall be paid to the Treaſurer of ſuch County, for the Uſe of the ſaid County.

for the Uſe of the County.

The Grand Juries in each County, at the *Court of Aſſize*, or *General Seſſions of the Peace*, ſhall make Preſentment of ſuch Sums as are neceſſary for the building or repairing Bridges.

XI. 9. *Geo.* 3. *Ch.* 1. *Be it Enacted by the Governor, Council, and Aſſembly*, That from and after the Publication of this Act, it ſhall and may be lawful for the ſeveral Grand Juries in each of the ſeveral Counties within this Province, either at the *Court of Aſſize*, or *General Seſſions of the Peace*, held for ſuch County, to make Preſentment, upon proper Repreſentations made thereon by three or more Freeholders of the ſaid County, or of their own Knowledge, of all ſuch Sum and Sums of Money, or Expences that may have ariſen, or that may be neceſſary to be raiſed, for the building or repairing Bridges within the ſame County.

In what manner ſuch Sums ſhall be aſſeſſed, &c.

XII. Sec. 2. *And be it further Enacted*, That the Sum or Sums of Money ſo preſented ſhall be aſſeſſed, raiſed, levied, proportioned, paid in, and applied in manner as is preſcribed by this Act.

Upon the Neglect of Grand Juries to make preſentment, the Judges of Aſſize in General Seſſions, ſhall amerce the country in the Sums neceſſary to be raiſ'd

XIII. Sec. 3. *And be it alſo further Enacted*, That on the Neglect of ſuch Grand Juries to make ſuch Preſentment, the *Judges of Aſſize*, or *Juſtices of the Peace* in *General Seſſions*, ſhall amerce the County in ſuch Sum as ſhall appear to them to be neceſſary for the purpoſes aforeſaid; and ſhall appoint three Aſſeſſors in manner as is directed in and by the ſaid laſt recited Act.

CAP. IV.

An ACT for regulating Servants.

Preamble.

Vide Statute enacted in Ireland, 2. *Geo.* 2. *c.* 17. *Sect.* 3, 4, 5, & 7. *to the ſame Effect, with the* 1*ſt.* & 2*d. Sections of this Act.*

WHEREAS *great Damage and inconveniencies have ariſen, and daily do ariſe by Apprentices and bound and hired Servants, deſerting and leaving their Service without a legal Diſcharge; for Prevention whereof, Be it Enacted by the Governor, Council and Aſſembly*, That from and after the Publication hereof, all Servants bound by Indenture, or hired Servants for any Time not leſs than Six Months, at the Expiration of the Term for which they were bound or hired to ſerve, ſhall have from their Maſter or Miſtreſs a Certificate or Diſcharge of ſuch Servants having ſerved his or her Time, which ſhall be a ſufficient Warrant for

Servants hired for any Term not leſs than Six Months, to have a Certificate from their Maſter or Miſtreſs, when diſcharged;

any

any Perſon to entertain or take ſuch Servant into his or her Service, and the Perſon hiring ſuch Servant ſhall take his or her Certificate or Diſcharge, and keep it until the Time, then contracted for, be expired; and if any Perſon ſhall knowingly take into his or her Service, or knowingly harbour or entertain, any Perſon who has been in any former Service, without ſuch Certificate or Diſcharge, ſuch Perſon being thereof convicted at the *General Seſſions of the Peace*, held for the County or Place where ſuch Offence ſhall be committed, ſhall forfeit Ten Pounds; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant from ſuch *Generdl Seſſions*; one Moiety of which Forfeiture ſhall be to the Poor of the Townſhip where the Offender reſides, and the other Moiety to the Informer who ſhall diſcover and proſecute the ſame.

Any Perſon harbouring or entertaining any Servant without ſuch Certificate, to forfeit £10.

II. *Provided always*, That in Caſe any Perſon ſhall refuſe to give his or her Servant a Certificate or Diſcharge as aforeſaid, ſuch Servant may apply to ſome neighbouring Juſtice of the Peace of the County wherein ſuch Maſter or Miſtreſs inhabits, who ſhall give Notice to the Maſter or Miſtreſs of ſuch Servant, and require from them reſpectively the Reaſon why ſuch Servant is refuſed ſuch Diſcharge and Certificate of his or her Service; and in Caſe no Regard be paid to ſuch Notice, within Five Days, or that the Juſtice ſhall ſooner, by a Reply to ſuch Notice, find that the Cauſe of the Refuſal of ſuch Diſcharge or Certificate was not ſufficient, the ſaid Juſtice is required to give a Certificate thereof, or of ſuch Reaſons as the Maſter or Miſtreſs gave for refuſing ſuch Diſcharge or Certificate, that ſuch Perſon who is about to hire ſuch Servant, may be apprized of ſuch Servant's Behaviour, and judged thereof before he or ſhe hires ſuch Servant, for which Certificate no Fee ſhall be paid; and the ſaid Certificate ſhall be as good as if the ſame had been given by ſuch Maſter or Miſtreſs; and any Servant who ſhall be convicted of counterfeiting or producing a counterfeited Certificate, under the Hand of any Maſter or Miſtreſs, or Juſtice of the Peace, by the Oath of One or more Witneſſes, or by ſuch Servant's own Confeſſion, before Two of His Majeſty's Juſtices of the Peace, ſhall be publickly whipped at the Diſcretion of ſuch Juſtice.

If any Maſter refuſe to give his Certificate to his Servant upon his Diſcharge, he may apply to a Juſtice of the Peace, who ſhall inquire into the Circumſtances.

Any Servant counterfeiting any Certificate, to be publickly Whipt.

III. *And be it further Enacted*, That all bound or hired Servants as aforeſaid, who ſhall deſert or abſent themſelves from their Maſter or Miſtreſs's Service, ſhall be liable to make Satisfaction by Service, after the Time by Indenture or Agreement is expired, double their Time of Service ſo neglected, and if the Time of their Deſertion or Abſence was at Seed Time or Harveſt, or during the Fiſhing Seaſon, and the Charge of recovering them extraordinary, the Court of *General Seſſions of the Peace*, before whom the Complaint ſhall be made, ſhall adjudge a longer Time of Service proportionable to the Damage the Maſter ſhall make appear he hath ſuſtained.

Servants who ſhall deſert or abſcond, to make Satisfaction by ſerving double the Time, on the Order of the Seſſions.

IV. *And*

Complaint to be firſt made to a Juſtice of the Peace.

IV. *And Whereas the adjudging the Time ſuch bound or hired Servant ſhould ſerve, is often referred until the Time by Indenture or Agreement is expired, when the Meaſure of ſuch further Service may be rendered difficult to aſcertain; Be it Enacted*, That the Maſter or Miſtreſs of any Servant ſo deſerting or abſenting themſelves, that intends to take the Benefit of this Act, ſhall ſo ſoon as he or ſhe hath recovered ſuch Servant, carry him or her to ſome One of His Majeſty's Juſtices of the Peace, and there declare and prove the Time of his or her Abſence, and the Charge he hath been at in his or her Recovery, which Juſtice thereupon ſhall grant his Certificate thereof, and the Court ſhall and may, on ſuch Certificate, paſs Judgment for the Time ſuch Servants, ſo deſerting or abſenting themſelves, ſhall ſerve for his or her Abſence.

Complaints of Servants for cruel and bad Uſage, to be heard and determined by Two Juſtices.

V. *And be it alſo Enacted*, That every Maſter or Miſtreſs ſhall provide for his or her Servant according to the Tenor of their Agreement, and any bound or hired Servant as aforeſaid, having juſt Cauſe of Complaint againſt his or her Maſter or Miſtreſs for cruel and bad Uſage, may and ſhall, on Application to Two of His Majeſty's Juſtices of the Peace, be heard concerning the ſame; *Provided* ſuch Complaint be made within a reaſonable Time, not exceeding Ten Days after the Cauſe given, unleſs ſuch Servant is prevented by his or her Maſter or Miſtreſs or by Sickneſs; and if the ſaid Juſtices ſhall find by ſufficient Proof, that the ſaid Servant's Cauſe of Complaint is well founded, the ſaid Juſtices are hereby required to make an Order for the Relief of ſuch Servant by diſcharging him or her from their Service, or otherwiſe as they may ſee fit, and if either Party ſhall not be ſatisfied with the Order of the ſaid Two Juſtices, they may appeal to the next Court of *General Seſſions of the Peace*, where the Matter ſhall be finally determined.

Appeal to the Seſſions.

Maſters of Veſſels not to harbour, &c. any bound or hired Servant,

on Penalty of £10.

VI. *And be it alſo further Enacted*, That no Maſter of any private Ship or Veſſel of War, or Maſter of any Merchant Ship or Veſſel, coming into, tarrying or abiding in, or going forth from any Port, Harbour, or Place within this Province, ſhall receive, harbour, entertain, conceal or ſecure on board ſuch Ship or Veſſel, or ſuffer to be there harboured or detained, any bound or hired Servant as aforeſaid, knowing them to be ſuch, without Licence or Conſent of his or her Maſter or Miſtreſs in Writing, under his or her Hand, firſt had and obtained, on Pain of forfeiting Ten Pounds for every ſuch Offence; which Forfeiture ſhall be applied and diſpoſed of, as is directed in and by the firſt Clauſe of this Act, and ſhall be recovered by Bill, Plaint, or Information in any of His Majeſty's Courts of Record in this Province.

Indentures of Servants hired in Great Britain, &c. to be examined by a Juſtice before they are aſſigned.

VII. *And Whereas it often happens, that indented Apprentices or Servants are contracted with in* Great Britain, Ireland, *or other of His Majeſty's Dominions, and imported into this Province, and there aſſigned over to the Inhabitants*

Inhabitants thereof, without the previous Knowledge or Conſent of ſuch Apprentice or Servant; Be it therefore Enacted, That before any Inhabitant ſhall accept of the Aſſignment of any ſuch Indenture, he ſhall, with the Parties, go before ſome One or more of His Majeſty's Juſtices of the Peace, who ſhall examine whether the Indenture propoſed to be aſſigned, be made and executed agreeable to Law, and whether the Apprentice or Servant has any legal Objection to the Aſſignment thereof, and to determine the Validity of ſuch Objections; a Certificate of which Judgment ſhall be recorded by ſaid Juſtice or Juſtices.

Perſons engaging in the Fiſhery as a Salter, &c. and not capable of his Duty, to forfeit his Wages.

VIII. *And be it further Enacted*, That if any Servant ſhall engage and contract himſelf with any Perſon or Perſons, carrying on the Fiſhery, in the Capacity of a Salter, Splitter, or Shoreſman, and ſhall upon Trial be found incapable, and unqualified to diſcharge the Duty of the Station, for which he ſhall have contracted himſelf, ſuch Servant, upon due Proof of his Incapacity before any One of His Majeſty's Juſtices of the Peace, ſhall forfeit and loſe all Wages, due to him for his Service in ſuch Employment, whereof he ſhall be ſo found incapable.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *Twenty Eighth* Day of *May*, *Anno Domini* 1765, in the *Fifth Year* of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Third Day of *June*, 1766, in the Sixth Year of His ſaid Majeſty's Reign; being the Second Seſſion of the Fourth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT for the more effectual Recovery of His Majesty's Duties in the Islands of *Cape Breton*, and Island adjacent.

Preamble.

WHEREAS *His Majesty by his Royal Proclamation, given at St.* James's *the Seventh Day of October, One Thousand Seven Hundred and Sixty Three, in the Third Year of His Reign, has thought fit to annex the Islands of* Cape Breton *or* Isle Royal, *with the lesser Islands adjacent thereto, to the Government of* Nova Scotia: *And Whereas some Doubts have arisen, whether the Laws of this Province, antecedent to the said Proclamation, are in force there; and as sundry Persons have since refused to pay His Majesty's Duties: In Order therefore to remedy the same; It is hereby declared and Enacted by the Commander in Chief, the Council, and Assembly,* That by virtue of His Majesty's Royal Proclamation, the said Islands of *Cape Breton or Isle Royal,* with the lesser Islands adjacent, were, and shall accordingly be adjudged to have been and be under the Government, Authority, and Jurisdiction of this His Majesty's Province, and that the Inhabitants thereof were and are subject to all the Laws of the same.

Islands of Cape Breton, &c. adjudged to be under the Government, &c. of this Province and the Inhabitants subject to the Laws of the same.

Collectors of Impost and Excise impowered to sue for and recover any Duties, &c. in any Court of Record.

II. *And be it further Enacted,* That the Collectors of Impost and Excise Duties, or any other Officer appointed to receive His Majesty's Duties there, shall be and are impowered to prosecute, sue for, and recover, in any of His Majesty's Courts of Record within this Province, any Duties, Customs, Excise, Rents, or Arrears of Duties, Customs, Excise or Rents, or any Debts or other Demands whatsoever, due to the Crown from Persons residing in said Territories; and such Courts in which such Causes are commenced, are hereby authorized to hear and determine the same, and to award Execution accordingly.

CAP. II.

An ACT against Forestallers and Regrators.

Who shall be deemed a Forestaller.

BE it *Enacted by the Lieutenant Governor Council and Assembly,* That from and after the Publication hereof, whatsoever Person or Persons shall buy or cause to be bought, any Victuals of any Kind whatsoever, coming by Land or Water towards any Market or Fair already established, or that may hereafter be established in this Province, to be sold in the same, (except at the Distance of Ten Miles at least from the Place where such Market or Fair is to be held

or

or kept) or ſhall make any Bargain, Contract, or Promiſe, for the having or buying the ſame or any Part thereof, or ſhall make any Motion by Word, Letter, Meſſage, or otherwiſe, to any Perſon or Perſons, for the enhancing the Price or dearer ſelling any Kind of Victuals or Proviſion for the Uſe of Man, commming by Land or Water towards any Market or Fair as aforeſaid, ſhall be deemed and adjudged a Foreſtaller.

Who ſhall be deemed a Regrator.

II. *And be it further Enacted*, That whatſoever Perſon or Perſons ſhall by any Means, regrate, obtain or get into his or their Hands or Poſſeſſion, in any Fair or Market, any Corn, Hay, Fiſh, Sheep, Lambs, Calves, Beef, Swine, Piggs, Geeſe, Capons, Hens, Chickens, Pidgeons, Hares, or other Dead Victuals whatſoever, that ſhall be brought to any Fair or Market whatſoever within this Province, to be ſold, and do ſell the ſame again in any Fair or Market holden or kept in the ſame Place, within One Month after purchaſing or receiving the ſame, ſhall be accepted, reputed, and taken for a Regrator or Regrators.

Perſons guilty of Foreſtalling or Regrating to be fined not exceeding £10.

or to ſuffer Two Months Impriſonment.

III. *And be it alſo further Enacted*, That any Perſon or Perſons who ſhall be guilty of foreſtalling or regrating, contrary to the Intent and Meaning of this Act, and ſhall be duly convicted in any of His Majeſty's Courts *of General Seſſions of the Peace* for the County where the Offence is committed, ſhall be fined at the Diſcretion of ſaid Court, in any Sum not exceeding Ten Pounds, and for Non Payment of his or their Fine, to ſuffer Impriſonment at the Diſcretion of the Court, not exceeding Two Months for each and every Offence; and that one Moiety of the ſaid Fine and Forfeiture, be for the Uſe of the Poor of the Town where the Offence has been committed, and the other Moiety to him or them who ſhall ſue for the ſame.

CAP. III.

An ACT concerning Schools and Schoolmaſters.

Eng. Stat. 1. *Jac.* 1. *c.* 4. *Sect.* 9.

No Perſon to ſet up a School until he ſhall be examined by the Miniſter, &c. of the Town, as to his Qualifications for the Inſtruction of Children, to be certified to the Governor, &c. in order for his obtaining a Licence.

BE it Enacted by the Commander in Chief, Council, and Aſſembly, That no Perſon hereafter ſhall ſet up or keep a Grammar School within this Province, till he ſhall have firſt been examined by the Miniſter of ſuch Town wherein he propoſes to keep ſuch Grammar School, as to the Qualifications for the Inſtruction of Children in ſuch Schools; and where no Miniſter ſhall be ſettled, ſuch Examination ſhall be made by two Juſtices of the Peace for the County, together with a Certificate from at leaſt Six of the Inhabitants of ſuch Town, of the Morals and good Conduct of ſuch Schoolmaſter, which ſhall be tranſmitted to the Governor, Lieutenant Gover-

Governor, or Commander in Chief for the Time being, for obtaining a Licence as by His Majesty's Royal Inſtruction is directed; and that no Perſon ſhall ſet up or keep a School for the Inſtruction of Youth in Reading, Writing, or Arithmetic, within the Townſhip of *Halifax*, without ſuch Examination, Certificate and Licence, or in any other Manner than is before directed; and every ſuch Schoolmaſter who ſhall ſet up or keep a School contrary to this Act ſhall, for every Offence, forfeit the Sum of Three Pounds, upon Conviction before Two Juſtices of the Peace of the County where ſuch Perſon ſhall ſo offend, to be levied by Warrant of Diſtreſs, and applied for the Uſe of the School of the Town where ſuch Offence ſhall be committed.

Any Perſon ſetting up a School without Licence, to forfeit £3. for every Offence.

II. *Provided*, That no Perſon ſhall preſume to enter upon the ſaid Office of Schoolmaſter, until he ſhall have taken the Oaths appointed to be taken inſtead of the Oaths of Allegiance and Supremacy, and ſubſcribed the Declaration openly in ſome one of His Majeſty's Courts, or as ſhall be directed by the Governor, Lieutenant Governor, or Commander in Chief for the Time being. And if any Popiſh Recuſant, Papiſt or Perſon profeſſing the Popiſh Religion, ſhall be ſo preſumptuous as to ſet up any School within this Province, and be detected therein, ſuch Offender ſhall for every ſuch Offence ſuffer Three Monhts Impriſonment without Bail or Mainprize, and ſhall pay a Fine to the King of Ten Pounds; and if any One ſhall refuſe to take the ſaid Oaths and ſubſcribe the Declaration, he ſhall be deemed and taken to be a Popiſh Recuſant for the Purpoſes ſo before mentioned.

Eng. Stat. 11 & 12. *Will.* 3. *c.* 4. Schoolmaſters to take the Oaths.

Eng. Stat. 13. *Will.* 3. *c.* *Brit. Stat.* 1. *Geo.* 1. *c.* 13. *Sect.* 2. Any Popiſh Recuſant who ſhall ſet up a School, ſhall forfeit £10. and ſuffer three Months Impriſonment.

III. *And Whereas His Majeſty has been pleaſed to order that Four Hundred Acres of Land in each Townſhip, ſhall be granted to and for the Uſe and Support of Schools, Be it Enacted*, That the ſaid Quantity of Lands ſhall be veſted in Truſtees for the ſaid Purpoſe, and ſuch Truſtees ſhall be, and are hereby enabled to ſue and defend for and on behalf of ſuch Schools, and to improve all ſuch Lands as ſhall be moſt for the Advantage and Benefit thereof.

400 Acres of Land in each Townſhip to be veſted in Truſtees for the uſe of Schools.

At

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *Twenty Eighth* Day of *May*, *Anno Domini* 1765, in the Fifth Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France* and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Twenty Third Day of *October*, 1766, in the Sixth Year of His ſaid Majeſty's Reign; being the Third Seſſion of the Fourth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT to prevent the Cutting or Breaking down the Bank of any River, Seabank, or Dykes.

Preamble.

WHEREAS *there are large Tracts of Marſh Lands within this Province dyked in, great Part of which are, at this Time, under actual Improvement, from which great Advantages muſt ariſe; and as the dyking and draining thoſe Lands are attended with a very great Expence, which Expence and Advantages may be loſt, to the Ruin of many induſtrious Perſons, by wicked and evil minded Perſons cutting or deſtroying ſaid Dykes, or the Piles or Pickets which are drove into the ſaid Marſhes, their Banks or Dykes; For Remedy whereof, Be it Enacted by the Lieutenant Governor, Council, and Aſſembly,* That if any Perſon or Perſons, from and after the Publication of this Act, ſhall unlawfully and maliciouſly break down, or cut down the Bank or Banks of any River, or any Seabank or Dykes, whereby any Lands ſhall be overflowed or damaged, every Perſon ſo offending, being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death as in Caſes of Felony, without Benefit of Clergy.

Brit Stat. 6. *Geo.* 2. c. 37. *Sect.* 5. Unlawfully breaking down the Bank of any River, &c

Felony without Clergy.

II. *And be it further Enacted*, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, unlawfully cut off, draw up or remove and carry away, any Piles or other Materials which are, or at any Time hereafter ſhall be driven into the Ground, and uſed for the

Any Perſon cutting off, drawing up, or removing and

carrying away, any Piles or Materials uſed for ſecuring any Marſh Lands, Sea Walls, &c. and convicted thereof, before two Juſtices of the Peace,

ſecuring any Marſh Lands or Sea Walls, Banks, or Dykes, in order to prevent the Lands lying within the ſame from being overflowed and damaged, it ſhall and may be lawful to and for any Two or more of His Majeſty's Juſtices of the Peace, reſiding near the Place where the ſaid Offence or Offences ſhall be committed, and ſuch Juſtices are hereby reſpectively authorized and required, upon Complaint or Information upon Oath of ſuch Offence, to ſummon the Party or Parties ſo complained of, or to iſſue their Warrant or Warrants to apprehend and bring before them, the Perſon or Perſons ſo accuſed, complained of, or ſuſpected, and upon his, her, or their Appearance, or neglect to appear, to proceed to examine the Matter of Fact with which he, ſhe, or they are charged, and upon due Proof thereof made, either by Confeſſion of the Party or Parties ſo accuſed, or upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, to determine the ſame, and to convict the Offender or Offenders; and every Perſon offending herein, and being thereof convicted as aforeſaid, ſhall forfeit and pay the Sum of Twenty Pounds; one Moiety thereof to the Informer, and the other Moiety to the Overſeers of, and for the Uſe of, the Poor of the Townſhip or Place wherein ſuch Offence ſhall be committed; the ſame to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, together with the Charges of ſuch Diſtreſs and Sale, rendering the Overplus (if any be) to the Owner or Owners thereof; and for Want of ſufficient Diſtreſs, the ſaid Juſtices are hereby required to commit the Perſon or Perſons convicted as aforeſaid, to the Houſe of Correction or Common Goal of the County, Town or Place, where the Offence ſhall be committed, there to remain and be kept at hard Labour for the Space of Six Months.

ſhall forfeit £20.

One Half to the Informer, the other Half to the Poor.

Or ſuffer Six Months Impriſonment at hard Labour.

CAP. II.

An ACT to prevent Treſpaſſes upon Crown Lands.

Preamble.

WHEREAS *ſundry evil minded Perſons have preſumed, not only to take poſſeſſion of ungranted Lands in this Province, but alſo, without Leave from Government, to encourage ignorant Perſons to ſettle on ſuch Lands, without obtaining any Grant thereof; which Practices are highly offenſive to the Honor and Dignity of the Crown, Be it therefore Enacted, by the Governor, Council and Aſſembly*, That any Perſons convicted in manner hereafter mentioned, either of Poſſeſſing themſelves of any ungranted Lands in this Province, or that ſhall preſume to place thereon any Inhabitants, or occupy ſuch Lands in any manner whatever, without Leave in Writing firſt obtained for that Purpoſe, from the Governor, Lieutenant Governor, or Commander in Chief for the Time being, may and ſhall be proſecuted for the ſame, by Bill, Plaint, or Info-

Any Perſons poſſeſſing themſelves of, or occupying &c. any ungranted Lands, without leave in Writing from the Goverroor &c. ſhall forfeit £50.

Information, in any of his Majeſty's Courts of Record in this Province, and upon due Conviction thereof by the Oath of one credible Witneſs, ſhall be adjudged to forfeit and pay the Sum of Fifty Pounds.

CAP. III.

An ACT for regulating the Times and Places for holding the ſeveral Courts of Juſtice therein named.

SUPREME COURTS.
Halifax. 20. *Geo.* 3. *C.* 1.
Annapolis. 19. *Geo.* 3. *C.* 4.
Horton.
Cumberland.
Windſor. 21. *Geo.* 3. *C.* 6.

BE *it Enacted, by the Governor, Council and Aſſembly*, That the *Supreme Court* of *Judicature*, *Court* of *Aſſize and General Goal delivery* ſhall be held annually at *Halifax* for the County of *Halifax*, on the Firſt Tueſday of *April*, Second Tueſday of *July*, and Second Tueſday of *October*; at *Annapolis*, for the County of *Annapolis* on the Fourth Tueſday of *May*, and Third Tueſday of *September*; at Horton for the County of *Kings County* on the Third Tueſday of *May* and Fourth Tueſday of *September*; at Cumberland for the County of Cumberland on the Tueſday of *Auguſt*; and at Windſor for the County of Hants the ſpring circuit on the Tueſday after the Sitting at Annapolis and the Autumn Circuit, on the Monday after the Sitting at Horton.

COURTS of COMMON PLEAS.
Halifax.
Annapolis. 11. *Geo.* 3. *C.* 4.
Lunenburgh: 7. *Geo.* 3. *C.* 5.
Horton. 12. *Geo.* 3. *C.* 1.
Liverpool. 10. *Geo.* 3. *C.* 7.
Yarmouth. 16. *Geo.* 3. *C.* 5.
Cumberland. 15. *Geo.* 3. *C.* 9.
Windſor.

II. *And be it further Enacted*, That the *Inferior Court of Common pleas*, ſhall be held at *Halifax* annually, for the County of *Halifax*, on the Second Tueſdays of March and September; at Annapolis for the County of Annapolis on the Firſt Tueſday of April and November; at *Lunenburgh* for the County of *Lunenburgh* on the Second Tueſdays of April and October; at Horton for the County of *King's County* on the Firſt Tueſdays of June and October; at *Liverpool* for the County of Queen's County, on the Second Tueſdays of April and November; at *Yarmouth* on the Firſt Tueſday of April and laſt Tueſday of October; at *Cumberland* for the County of *Cumberland* on the laſt Tueſdays of June and October; and at *Windſor* for the County of Hants on the laſt Tueſdays of April and October.

GENERAL SESSIONS of the PEACE.
Halifax. 20. *Geo.* 3. *C.* 1.
Annapolis. 11. *Geo.* 3. *C.* 4.
Lunenburg. 7. *Geo.* 3. *C.* 5.
Horton. 12. *Geo.* 3. *C.* 1.
Liverpool. 11. *Geo.* 3. *C.* 7.
Barrington. 6. *Geo.* 3 *C.* 3.
Yarmouth.

III. *And be it further Enacted*, That the *General Seſſions* of the *Peace* ſhall be held at *Halifax* for the County of *Halifax*, on the Firſt Tueſdays of March, June, September and December; at *Annapolis* for the County of *Annapolis* on the Firſt Tueſdays of April and November; at *Lunenburg* for the County of *Lunenburg*, on the Second Tueſdays of April and October; at *Horton* for King's County on the Firſt Tueſdays of June and October; at *Liverpool* for *Queen's County*, on the Second Tueſdays of April and November; at *Barrington*, on the Firſt Tueſday of November; at *Yarmouth* on the Firſt Tueſday of April; at *Cumberland*

Cumberland. 15. *Geo.* 3. *Ch.* 9. Onslow. 8. *Geo.* 3. *Ch.* 3. Warrington. 12. *Geo.* 3. *Ch.* 2. Windsor. 21. *Geo.* 3. *Ch.* 6.

berland for the County of *Cumberland*, on the laſt Tueſdays of June and October; at *Onſlow* for the Towns of *Truro*, *Onſlow* and *Londondery*, on the Firſt Tueſdays of February and Auguſt; at *Warrington* on the Iſland of *Campobello* for the County of *Sunbury*, on the Firſt Tueſdays of June and October; and at *Windſor* for the County of Hants, on the laſt Tueſdays of April and October annually.

15. *Geo.* 3. *Ch.* 6. any two Judges to be competent to hold a Court.

IV. *And be it further Enacted*, That any two of the Judges of the Supreme Court ſhall be ſufficient for holding the ſame, and tranſacting the buſineſs thereof, at all, any, and every of the times and places hereafter mentioned, and the legal Proceedings then and there had, ſhall be to all Intents and Purpoſes as good and effectual, as if all the Judges of the ſaid Court were preſent.

Times of Sittings of Supreme Court limited.

V. *And be it alſo Enacted*, That the time of Sitting of the ſaid Supreme Court in each of the Terms for holding the ſame, ſhall be limited, *that is to ſay*, at *Halifax* for Fourteen Days from the Day of opening of the Court, unleſs in Caſes of unavoidable Neceſſity, or that the Multiplicity of Buſineſs at either of the ſaid Terms ſhould require it, in which caſes the Judges may continue the Same for a Time not exceeding Six Days longer, and that in each of the other Counties the ſaid Court ſhall not ſit longer than Five Days, from the Day of the opening of each of the ſaid Courts.

20. *Geo.* 3. *Ch.* 1. Executions iſſued at Halifax Inferior Court of Common Pleas returnable in 60 Days.

VI. *And be it further Enacted*, That all Executions iſſued upon Judgments, which ſhall be given at the *Supreme Court* at its Sitting, in the Month of October at Halifax, and upon Judgments given at the Inferior Court of *Common Pleas* at its Sittings in the Months of March and September at *Halifax*, ſhall be returnable in Sixty Days, from the Day of iſſuing ſuch Execution.

At

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *Twenty Eighth* Day of *May*, *Anno Domini* 1765, in the *Fifth Year* of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Seventeenth Day of *October*, 1767, in the Seventh Year of His ſaid Majeſty's Reign; being the Fifth Seſſion of the Fourth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT for Partition of Lands in Coparcenary, Jointenancy, and Tenancy in Common, and thereby for the more effectual collecting His Majeſty's Quit Rents in the Colony of *Nova Scotia*.

WHEREAS for the more ſpeedy Settlement of the Province, it became neceſſary to erect Townſhips in divers Parts of the ſame, and for inducing Perſons to remove into the Province and become Settlers and Inhabitants of the ſaid Townſhips, it was found requiſite by Grants to the ſeveral Petitioners to convey, previous to their Arrival in the Province, certain Shares or Rights in the reſpective Townſhips, and inaſmuch as the ſaid Rights could not, without greatly retarding the Progreſs of the Settlements, be ſurveyed and ſet out to each reſpective Grantee by Metes and Bounds in Severalty, it was judged expedient to convey the Lands in the ſaid Townſhips to the Perſons named in the reſpective Patents as Jointenants or Tenants in Common. And Whereas many of the Grantees have never arrived, or by themſelves or others taken any actual Poſſeſſion of their Shares in the ſaid Townſhips, and yet by the Terms and Periods in the ſaid Patents they are intitled and will long remain intitled to the ſaid Shares, by Reaſon whereof numerous Inhabitants in the reſpective Townſhips having undivided Parts are greatly oppreſſed and prejudiced, who on account of ſuch Abſentees cannot proceed to divide their Rights by pri- Preamble.

private Deeds of Partition, nor can any Summons be legally ſerved as againſt ſuch Abſentees upon Writs of Partition, and for want of dividing the ſaid Lands, a conſiderable Part thereof is waſted and deſtroyed by frequent Treſpaſſes and otherwiſe, or lie uncultivated and unmanured, ſo that the Profits of the ſame are totally or in a great Meaſure loſt, to the Injury of His Majeſty's Rights in the Quit Rents reſpectively reſerved, as to the Means of levying the ſame, and tending to the Vexation of the Inhabitants, by being liable to Suits for an Account of Profits demandable by one Tenant in Common againſt another, For Remedy whereof, Be it Enacted by the Lieutenant Governor, the Council and Aſſembly, That upon the Petition of any one or more of the Inhabitants in each Townſhip, to the *Supreme Court*, praying a Diviſion of the Lands to the Proprietors in Severalty, according to their Shares and Rights, it ſhall and may be lawful for the ſaid Court to award a Writ of Partition in the uſual Form (*a*), to the Sheriff, to be executed by him or his Deputy, in the Preſence of two Juſtices of the Peace, in Manner following, *That is to ſay*, that in aſſigning the Shares in Severalty, in virtue of the ſaid Writ of Partition, the Lands actually occupied and improved ſhall be ſet off and aſſigned to all ſuch Proprietors reſpectively, who have ſo occupied and improved the ſame; and that in aſſigning the Rights to Lands unimproved, after Diviſion thereof into Shares according to the Number of Grantees in each Townſhip, each Number ſhall be written on ſeperate Papers and rolled up and placed in a Box (*b*) from whence each Grantee preſent ſhall, in the Order wherein he is named in the Patent of Grant to the Townſhip, draw out one of the ſaid Papers, in the Preſence of the Jury attending the Sheriff or Deputy Sheriff; and the Number ſo drawn ſhall be expreſſed in the Inquiſition by the Jury, and be accordingly aſſigned by the Sheriff or Deputy Sheriff and the Juſtices, in their Return of the Writ of Partition (*c*); which ſhall be confirmed by the Judgment of the ſaid Court: And the ſaid Sheriff or his Deputy are hereby required to give due Notice to the Tenants or Occupiers of the Lands, or if they cannot be found, to the Wife, Son, or Daughter, being of the Age of Twenty One Years and upwards, of the Tenant or Tenants, or to the Tenant in actual Poſſeſſion by virtue of any Eſtate of Freehold, or for Term of Years, or uncertain Intereſt, or at Will, of the Lands, Tenements, or Hereditaments, whereof the Partition is demanded, Forty Days before the ſaid Sheriff ſhall proceed to execute the ſaid Writ of Partition; and if it ſhall appear to the ſaid Court, upon Return of the ſaid Writ of Partition, that any of the Perſons notified neglected to appear, Judgment ſhall be given by Default as againſt them, and a final Judgment for Partition ſhall be given againſt ſuch Perſons as were preſent at the Time of executing the Writ; and if the Perſons againſt whom the Judgment ſhall be ſo given by Default ſhall not, within Fifteen Days after ſerving them with Notice of the ſaid Judgment, apply themſelves to the ſaid Court by Motion, and ſhew a good and probable Matter in Bar of the ſaid Partition, the ſaid Judgment by Default ſhall be confirmed, and final Judgment entered

Eng. Stat. 8. & 9. *Will.* 3. *c.* 31. *made Perpetual by* 3. & 4. *Ann. c.* 18. *Sect.* 2. Upon Petition of any Inhabitant of any Townſhip, the Supreme Court may award a Writ of Partition,

(*a*) *Regiſt. Brev.' Judicial.* 80. *a F. N. B.* 137. R. to be executed by the Sheriff, in Preſence of two Juſtices. Lands actually improved by any Proprietors, ſhall be ſet off to them.

(*b*) *Lit. Sect.* 246. *Co. Lit.* 167. *a. b.* Shares to be ballotted for, and the Numbers drawn expreſſed in the Inquiſition, and confirmed by the Court.

(*c*) *Return of the Sheriff & Jurors by the Words of the Writ muſt be under their Seals. Co. Lit.* 168. *b.* Sheriff to give 40 Days Notice to the Occupiers of the Lands, &c.

Perſons duly notified, and neglecting to appear, ſhall be defaulted, and final Judgment for Partition given againſt the Perſons preſent; and alſo againſt the Perſons defaulted, unleſs they ſhew a probable Matter in Bar, within 15 Days.

tered (*d*). *Provided nevertheleſs*, that if the Tenants or Perſons concerned ſhall ſhew to the Court any Inequality in the Partition, the Court may award a new Partition to be made in Preſence of all Parties concerned, if they will appear, notwithſtanding the Return and Filing upon Record the former; which ſaid ſecond Partition returned and filed ſhall be good and firm for ever againſt all Perſons, except Infants (*e*), *Femes Covert* (*f*), Perſons of *Non ſane* Memory, who ſhall, within One Year after the reſpective Diſabilities ſhall be determined, be intitled to apply to the ſaid Court, and ſhew a good and probable Matter in Bar of the ſaid Partition, in which Caſe the ſaid Judgment ſhall be ſet aſide and a new Writ of Partition ſhall be awarded, and executed in Preſence of all Parties concerned, which Partition ſhall be final and concluſive againſt all Perſons whatſoever. *Provided alſo*, That all Perſons abſent may, within One Year after ſuch Judgment of Partition, to be publickly notified in the *Nova Scotia Gazette*, or any other publick News Paper, three Weeks ſucceſſively, by their Agents or Attornies apply to the ſaid Court, and alledge any good and probable Matter againſt the ſaid Partition, and ſuch new Partition and Judgment ſhall be had as aforeſaid; which ſhall conclude ſuch abſent Perſons, and all other Perſons claiming and deriving under the Grants ſo paſſed by His Majeſty's Government, for the Settlement and Improvement of the Province. *Provided likewiſe*, that in ſuch ſecond Writs of Partition, no Lands that have been builded upon, ploughed, or otherwiſe improved *bona fide*, by the Proprietor intitled under the former Judgment of Partition, ſhall be deveſted out of ſuch Proprietor, but that the Equality of Partition ſhall be made out of the unimproved Lands.

(*d*) *Co. Lit.* 169. *a.* In Caſe of Inequality, the Court may order a new Partition, which ſhall bind all Perſons, except Infants, &c.
(*e*) *Lit. Sect.* 258. *Co. Lit.* 171. *a.*
(*f*) *Lit. Sect.* 256. 257. *Co. Lit.* 170. *b.* 171. *a.*
who may have a new Partition, upon ſhewing a probable Matter in Bar.

The like Relief for Abſentees,

in the ſecond Partition no Proprietor ſhall be deveſted of any Lands actually improved by him, but the Equality ſhall be made out of unimproved Lands.

II. *And be it further Enacted*, That no Plea in Abatement ſhall be admitted or received in any Suit for Partition, nor ſhall the ſame be abated by Reaſon of the Death of any Tenant; and that in all Caſes where the former Judgment ſhall, upon Appeal, be confirmed, the Perſon or Perſons ſo appealing ſhall be awarded to pay Coſts.

No Plea in Abatement ſhall be admitted in Suits for Partition.
The Appellee to pay Coſts when the firſt Judgment ſhall be confirmed.

III. *And be it alſo Enacted*, That from and out of every ſeveral Share ſo to be alloted and aſſigned to each and every Proprietor, His Majeſty's Quit Rents reſerved and payable by every Grantee in the reſpective Patents named, ſhall be recoverable by the uſual Proceſs, and be levied out of the Profits and other extendible Goods and Chattels of ſuch reſpective Share; and that this Act nor any Thing herein contained, ſhall extend or be conſtrued to extend to impeach or prejudice His Majeſty's Rights to the ſaid Quit Rents, or to any Forfeitures or other Rights in virtue of the ſaid Grants.

His Majeſty's Quit Rents to be recoverable out of every Share,

and to be levied out of the profits thereof.

IV. 8. *Geo.* 3. *Ch.* 10. *Be it enacted by the Governor, Council, and Aſſembly*, That it ſhall and may be lawful for the Sheriff or his Deputy, upon receiving any Writ of Partition, for dividing

Upon Writs of Partition, Diviſion may be made of any Lands by a Jury of the County in any Part of the County where the Lands ſhall be.

viding any Lands, to proceed to the Execution thereof, in any Place within the County where the Lands ſhall be, by a Jury of the ſaid County, who ſhall accordingly make a Diviſion of the ſame, agreeable to the Bounds expreſſed in the Grant, and the beſt Information that can be procured of the Value, Nature and Quality of the Lands; and ſuch Diviſion, ſo made, ſhall be as valid and effectual, to all Intents and Purpoſes whatſoever, as if the ſame had been made on the Spot; *Provided* that the ſaid Diviſion be made, in every other Reſpect, agreeable to the Laws in ſuch Caſes made and provided.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Twenty Eighth Day of *May*, *Anno Domini* 1765, in the Fifth Year of the Reign of our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Eighteenth Day of *June*, 1768, in the Eighth Year of His ſaid Majeſty's Reign; being the Sixth Seſſion of the Fourth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT for determining Differences by Arbitration.

Preamble.

Eng. Stat. 9. & 10. *Will.* 3. *c.* 15.

WHEREAS *References made by Rule of Court may contribute much to the Eaſe of the Subject, in the determining of Controverſies, becauſe the Parties become thereby obliged to ſubmit to the Award of the Arbitrators, under the Penalty of Impriſonment for their Contempt in Caſe they refuſe Submiſſion*; *Be it therefore Enacted by the Lieutenant Governor, Council, and Aſſembly*, That it ſhall and may be lawful for all Merchants and Traders, and others deſiring to end any Controverſy, Suit, or Quarrel, Controverſies, Suits, or Quarrels, for which there is no other Remedy but by Perſonal Action, or Suit in Equity, by Arbitration, to agree that their Submiſſion of their Suit to the Award or Umpirage of any Perſons, ſhould be made a Rule

Merchants &c. deſiring to end Controverſies by Arbitration, may agree their Submiſſion to be made a Rule of Court.

Rule of His Majeſty's *Supream Court*, or of any of His Majeſty's *Inferior Courts of Common Pleas* within this Province, which the Parties ſhall chooſe, and to inſert ſuch their Agreement in their Submiſſion, or the Condition of the Bond or Promiſe, whereby they oblige themſelves reſpectively to ſubmit to the Award or Umpirage of any Perſon or Perſons; which Agreement being ſo made and inſerted in their Submiſſion or Promiſe, or Condition of their reſpective Bonds, ſhall or may, upon producing an Affidavit thereof made by the Witneſſes thereunto, or any one of them, in the Court of which the ſame is agreed to be made a Rule, and reading and filing the ſaid Affidavit in Court, be entered of Record in ſuch Court, and a Rule ſhall thereupon be made by the ſaid Court, that the Parties ſhall ſubmit to, and finally be concluded by the Arbitration or Umpirage which ſhall be made concerning them by the Arbitrators or Umpire, purſuant to ſuch Submiſſion; and in Caſe of Diſobedience to ſuch Arbitration or Umpirage, the Party neglecting or refuſing to perform and execute the ſame, or any Part thereof, ſhall be ſubject to all the Penalties of contemning a Rule of Court, when he is a Suitor or Defendant in ſuch Court, and the Court on Motion ſhall iſſue Proceſs accordingly, which Proceſs ſhall not be ſtopped or delayed in its Execution, by any Order, Rule, Command, or Proceſs, of any other Court, either of Law or Equity, unleſs it ſhall be made appear on Oath to ſuch Court, that the Arbitrators or Umpire miſbehaved themſelves, and that ſuch Award, Arbitration, or Umpirage, was procured by Corruption, or other undue Means.

Agreement ſo made to be inſerted in their Submiſſion &c.

Parties to be finally concluded by ſuch Arbitration,

in caſe of Diſobedience Parties ſubject to Penalty, &c.

unleſs Arbitrators miſbehaved themſelves.

II. *And be it further Enacted*, That any Arbitration or Umpirage procured by Corruption, or undue Means, ſhall be judged and eſteemed void and of none Effect, and accordingly be ſet aſide by any Court of Law or Equity, ſo as Complaint of ſuch Corruption or undue Practice be made in the Court where the Rule is made for Submiſſion to ſuch Arbitration or Umpirage, before the laſt Day of the next Term after ſuch Arbitration or Umpirage made and publiſhed to the Parties; any Thing in this Act contained to the contrary notwithſtanding.

Corrupt Arbitrations void, and may be ſet aſide.

CAP. II.

An ACT for giving like Remedy upon Promiſſory Notes, as is now uſed upon Bills of Exchange.

Preamble.

WHEREAS it has been held that notes in Writing, ſigned by the Party who makes the ſame, whereby ſuch Party promiſes to pay unto any other Perſon, or his Order, any Sum of Money therein mentioned, are not aſſignable or indorſible over, within the Cuſtom of Merchants, to any other Perſon, and that ſuch Perſon to whom the

Eng. Stat. 3. & 4. *Ann. c.* 9.

Sum of Money mentioned in ſuch Note is payable, cannot maintain an Action, by the Cuſtom of Merchants, againſt the Perſon who firſt made and ſigned the ſame; and that any Perſon to whom ſuch Note ſhould be aſſigned, indorſed, or made payable, could not, within the ſaid Cuſtom of Merchants, maintain any Action upon ſuch Note againſt the Perſon who firſt drew and ſigned the ſame: Therefore *to the Intent to encourage the Trade and Commerce of this Province, which will be much advanced, if ſuch Notes ſhall have the ſame Effect as Inland Bills of Exchange, and ſhall be negotiated in like Manner*: *Be it Enacted by the Lieutenant Governor, Council, and Aſſembly*, That all Notes in Writing, made and ſigned by any Perſon or Perſons, or by the Servant or Agent of any Merchant, Trader, or other Perſon or Perſons, who is uſually intruſted by him, her, or them, to ſign ſuch Promiſſory Notes for him, her, or them, whereby ſuch Perſon or Perſons, his, her, or their Servant or Agent, as aforeſaid, doth or ſhall promiſe to pay to any other Perſon or Perſons, his, her, or their Order, or unto the Bearer, any Sum of Money mentioned in ſuch Note, ſhall be taken and conſtrued to be, by virtue thereof, due and payable to any ſuch Perſon or Perſons, to whom the ſame is made payable; and alſo every ſuch Note payable to any Perſon or Perſons, his, her, or their Order, ſhall be aſſignable or indorſible over, in the ſame Manner as Inland Bills of Exchange are or may be, according to the Cuſtom of Merchants; and that the Perſon or Perſons, to whom ſuch Sum of Money is or ſhall be by ſuch Note made payable, ſhall and may maintain an Action for the ſame, in ſuch Manner as he, ſhe, or they might do, upon any Inland Bill of Exchange, made or drawn according to the Cuſtom of Merchants, againſt the Perſon or Perſons, who, or whoſe Servant or Agent, as aforeſaid, ſigned the ſame; and that any Perſon or Perſons, to whom ſuch Note that is payable to any Perſon or Perſons, his, her, or their Order, is indorſed or aſſigned, or the Money therein mentioned ordered to be paid by Indorſement thereon, ſhall and may maintain his, her, or their Action for ſuch Sum of Money; either againſt the Perſon or Perſons, who, or whoſe Servant or Agent, as aforeſaid, ſigned ſuch Note, or againſt any of the Perſons that indorſed the ſame, in like Manner as in Caſes of Inland Bills of Exchange: And in every ſuch Action the Plaintiff or Plaintiffs ſhall recover his, her, or their Damages and Coſts of Suit; and if ſuch Plaintiff or Plaintiffs ſhall be Nonſuited, or a Verdict be given againſt him, her, or them, the Defendant or Defendants ſhall recover, his, her, or their Coſts againſt the Plaintiff or Plaintiffs; and every ſuch Plaintiff or Plaintiffs, Defendant or Defendants, reſpectively recovering, may ſue out Execution for ſuch Damages and Coſts.

Promiſſory Notes may be aſſigned or indorſed, and Action maintained thereon, as on Inland Bills of Exchange.

Plaintiff or Defendant may recover Coſts.

II. *And be it further Enacted*, That all and every ſuch Actions ſhall be commenced, ſued and brought, within ſuch Time as is appointed for commencing or ſuing Actions upon the Caſe, by the Act of this Province, made in the Thirty Second Year of his late Majeſty's Reign, intitled *An Act for Limitation of Actions, and for avoiding Suits of Law.*

How Actions ſhall be brought.

CAP. III.

CAP. III.

An ACT for enabling the Sale of Goods diſtrained for Rent.

WHEREAS the moſt ordinary and ready way for recovery of Arrears of Rent is by Diſtreſs; yet ſuch Diſtreſſes not being to be ſold, but only detained as Pledges for enforcing the Payment of ſuch Rent, the Perſons diſtraining have little Benefit thereby; For the remedying whereof, Be it Enacted by the Lieutenant Governor, Council and Aſſembly, That where any Goods or Chattels ſhall be diſtrained for any Rent reſerved and due upon any Demiſe, Leaſe, or Contract whatſoever, and the Tenant or Owner of the Goods ſo diſtrained ſhall not, within Five Days next after ſuch Diſtreſs taken, and Notice thereof (with the Cauſe of ſuch taking) left at the chief Manſion Houſe, or other moſt notorious Place on the Premiſes charged with the Rent diſtrained for, replevy the ſame with ſufficient Security to be given to the Sheriff, according to Law; that then in ſuch Caſe, after ſuch Diſtreſs and Notice as aforeſaid, and Expiration of the ſaid Five Days, the Perſon diſtraining ſhall and may with the Sheriff or his Deputy, or with the Conſtable of the Town or Place where ſuch Diſtreſs ſhall be taken (who are hereby required to be aiding and aſſiſting therein) cauſe the Goods and Chattels ſo diſtrained to be appraiſed by two ſworn Appraiſers (whom any Juſtice of the Peace of the County where ſuch Goods ſhall be diſtrained, or ſuch Sheriff or his Deputy, are hereby impowered to ſwear) to appraiſe the ſame truly according to the beſt of their Underſtandings; and after ſuch Appraiſement ſhall and may lawfully ſell the Goods and Chattels ſo diſtrained, for the beſt Price that can be gotten for the ſame, towards Satisfaction of the Rent for which the ſaid Goods and Chattels ſhall be diſtrained, and of the Charges of ſuch Diſtreſs, Appraiſement and Sale, leaving the Overplus (if any) in the Hands of the ſaid Sheriff, his Deputy, or Conſtable, for the Owner's uſe.

Eng. Stat. 2. Will. & Mar. Stat. 1. c 5. Brit. Stat. 8. Ann. c. 14. 11. Geo. 2. c. 19.

Goods Diſtrained for Rent may be appraiſed and Sold.

II. *And Whereas no Sheaves or Cocks of Corn looſe or in the Straw, or Hay in any Barn, or on any Hovel, Stack, or Rick, can by the Law be diſtrained, or otherwiſe ſecured for Rent, whereby Landlords may be oftentimes couſened and deceived by their Tenants, who may ſell their Corn, Grain, and Hay, to Strangers, and remove the ſame from the Premiſſes chargeable with ſuch Rent, and thereby avoid the Payment of the ſame, Be it further Enacted by the Authority aforeſaid,* That it ſhall and may be lawful to and for any Perſon or Perſons having Rent Arrear, and due upon any ſuch Demiſe, Leaſe, or Contract, as aforeſaid, to ſeize and ſecure any Sheaves or Cocks of Corn, or Corn looſe, or in the Straw, or Hay lying or being in any Barn, or upon any Hovel, Stack, or Rick, or otherwiſe upon any Part of the Land or ground charged with ſuch Rent,

Corn looſe &c. may be Diſtrained and ſold.

Rent, and to lock up or detain the ſame in the Place where the ſame ſhall be found, for or in the Nature of a Diſtreſs, until the ſame ſhall be replevied upon on ſuch Security to be given as aforeſaid and in Default of replevying the ſame as aforeſaid; within the Time aforeſaid, to ſell the ſame after ſuch Appraiſement thereof to be made; ſo as nevertheleſs ſuch Corn, Grain, or Hay, ſo diſtrained as aforeſaid, be not removed by the Perſon or Perſons diſtraining, to the Damage of the Owner thereof, out of the Place where the ſame ſhall be found and ſeized, but be kept there (as impounded) until the ſame ſhall be replevied, or ſold in Default of replevying the ſame within the Time aforeſaid.

Treble Damages for Pound Breach.

III. *And be it further Enacted*, That upon any Pound Breach, or Reſcuous of Goods or Chattels diſtrained for Rent, the Perſon or Perſons grieved thereby, ſhall, in a ſpecial Action upon the Caſe for the Wrong thereby ſuſtained, recover his and their Treble Damages and Coſts of Suit, againſt the Offender or Offenders in any ſuch Pound Breach or Reſcuous, any or either of them, or againſt the Owners of the Goods diſtrained in caſe the ſame be afterwards found to have come to his Uſe or Poſſeſſion.

Double Damages and Coſts againſt wrongful Diſtrainer.

IV. *Provided always, and be it further Enacted*, That in caſe any ſuch Diſtreſs and Sale, as aforeſaid, ſhall be made by Virtue or Colour of this preſent Act, for Rent pretended to be Arrear and due, where in Truth no Rent is Arrear or due to the Perſon or Perſons diſtraining, or to him or them in whoſe Name or Names, or Right, ſuch Diſtreſs ſhall be taken as aforeſaid, that then the Owner of ſuch Goods or Chattels diſtrained and ſold as aforeſaid, his Executors or Adminiſtrators, ſhall and may, by Action of Treſpaſs, or upon the Caſe, to be brought againſt the Perſon or Perſons ſo diſtraining, any or either of them, his or their Executors or Adminiſtrators, recover double the Value of the Goods or Chattels ſo diſtrained and ſold, together with full Coſts of Suit.

No Goods &c. to be taken in Execution &c. unleſs the Party before Removal of the Goods &c. pay the Landlord the Rent due.

V. *And be it further Enacted*, That no Goods or Chattels whatſoever, lying or being in or upon any Meſſuage, Lands, or Tenements, which are or ſhall be leaſed for Life or Lives, Term of Years, at Will, or otherwiſe, ſhall be liable to be taken by virtue of any Execution, on any Pretence whatſoever, unleſs the Party at whoſe Suit the ſaid Execution is ſued out, ſhall before the Removal of ſuch Goods from off the ſaid Premiſſes, by virtue of ſuch Execution or Extent, pay to the Landlord of the ſaid Premiſſes, or his Bailiff, all ſuch Sum or Sums of Money as are or ſhall be due for Rent for the ſaid Premiſſes at the Time of the taking ſuch Goods or Chattels by virtue of ſuch Execution; *Provided* the ſaid Arrears of Rent do not amount to more than one Year's Rent; and in caſe the ſaid Arrears ſhall exceed one Year's Rent, then the ſaid Party, at whoſe Suit ſuch Execution is ſued out, paying the ſaid Landlord, or his Bailiff one Year's Rent, may proceed

Provided it amounts to no more than one Year's Rent.

ceed to execute his Judgment, as he might have done before the making of this Act; and the Sheriff or his Deputy, or other Officer, is hereby impowered and required to levy and pay to the Plaintiff as well the Money so paid for Rent, as the Execution Money.

The Sheriff to levy the Rent as well as the Execution Money.

VI. *And be it further Enacted*, That in case any Lessee for Life or Lives, Term of Years, at Will, or otherwise, of any Messuages, Lands, or Tenements, upon the Demise whereof any Rents are or shall be reserved or made payable, shall fraudulently or clandestinely convey or carry off or from such demised Premisses, his Goods or Chattels, with Intent to prevent the Landlord or Lessor from distraining the same for Arrears of such Rent so reserved as aforesaid, it shall and may be lawful to and for such Lessor or Landlord, or any Person or Persons by him for that purpose lawfully impowered, within the space of Twenty one Days next ensuing such conveying away or carrying off such Goods or Chattels as aforesaid, to take and seize such Goods and Chattels wherever the same shall be found, as a Distress for the said Arrears of such Rent, and the same to sell, or otherwise dispose of in such Manner, as if the said Goods and Chattels had actually been distrained by such Lessor or Landlord, in and upon such demised Premises for such Arrears of Rent; any Law, Custom, or Usuage to the contrary in any wise notwithstanding.

If any Lessee for Life &c. shall fraudulently carry off Goods &c. the Lessor &c. may within 21 Days after seize such Goods &c. and sell the same as if they had been distrained.

VII. *Provided nevertheless*, That nothing in this Act contained shall extend, or be construed to extend, to impower such Lessor or Landlord to take or seize any Goods or Chattels as a Distress for Arrears of Rent, which shall be sold *bona fide*, and for a valuable Consideration, before such Seizure made; any Thing herein contained to the contrary notwithstanding.

Provided such Lessor shall not seize Goods &c. which shall be *bona fide* sold before.

VIII. *And Whereas no Action of Debt lies against a Tenant for Life or Lives, for any Arrears of Rent, during the Continuance of such Estate for Life or Lives, Be it Enacted*, That it shall and may be lawful for any Person or Persons, having any Rent in Arrear or due upon any Lease or Demise for Life or Lives, to bring an Action or Actions of Debt for such Arrears of Rent, in the same Manner as they might have done, in case such Rent were due and reserved upon a Lease for Years.

Debt may be so against Tenant for Life, for Rent.

IX. *And whereas Tenants* pur auter vie, *and Lessees for Years, or at Will, frequently hold over the Tenements to them demised, after the Determination of such Leases; And Whereas after the Determination of such, or any other Leases, no Distress can by Law be made for any Arrears of Rent that grow due on such respective Leases, before the Determination thereof; It is further Enacted*, That it shall and may be lawful, for any Person or Persons, having any Rent in Arrear or due upon any Lease for

Rent in Arrear upon a Leaſe for Life &c. expired may be diſtrained for after the Determination of the Leaſe.

Life or Lives, or for Years, or at Will, ended or determined, to diſtrain for ſuch Arrears, after the Determination of the ſaid reſpective Leaſes, in the ſame Manner as they might have done, if ſuch Leaſe or Leaſes had not been ended or determined.

Within what Time ſuch Diſtreſs ſhall be made.

X. *Provided*, That ſuch Diſtreſs be made within the Space of Six Calendar Months, after the Determination of ſuch Leaſe and during the Continuance of ſuch Landlord's Title or Intereſt, and during the Poſſeſſion of the Tenant from whom ſuch Arrears became due.

Stock or Cattle on the Premiſſes, may be diſtrained for Arrears of Rent.

XI. *And be it further Enacted*, That it ſhall and may be lawful to and for every Leſſor or Landlord, Leſſors or Landlords, or his, her, or their Steward, Bailiff, Receiver, or other Perſon or Perſons impowered by him, her, or them, to take and ſeize, as a Diſtreſs for Arrears of Rent, any Cattle or Stock, of their reſpective Tenant or Tenants, feeding or depaſturing upon any Common, Appendant or Appurtenant, or any ways belonging to all or any Part of the Premiſſes demiſed or holden; and alſo to take and ſeize all ſorts of Corn and Graſs, Hops, Roots, Fruits, Pulſe, or other Product whatſoever, which ſhall be growing on any Part of the Premiſſes ſo demiſed or holden, as a Diſtreſs for Arrears of Rent; and the ſame to cut, gather, make, cure, carry, and lay up, when ripe, in the Barns, or other proper Place on the Premiſſes ſo demiſed or holden; and in caſe there ſhall be no Barn or proper Place on the Premiſſes ſo demiſed or holden, then in any other Barn or proper Place which ſuch Leſſor or Landlord, Leſſors or Landlords ſhall hire or otherwiſe procure for that Purpoſe, and as near as may be to the Premiſſes; and in convenient Time to appraiſe, ſell, or otherwiſe diſpoſe of the ſame, towards Satisfaction of the Rent for which ſuch Diſtreſs ſhall have been taken, and of the Charges of ſuch Diſtreſs, Appraiſement and Sale, in the ſame Manner as other Goods and Chattels may be ſeized, diſtrained and diſpoſed of; and the Appraiſement thereof to be taken when cut, gathered, cured, and made, and not before.

Tenants to have Notice of the Place where the Diſtreſs is lodged.

XII. *Provided always*, That Notice of the Place where the Goods and Chattels ſo diſtrained ſhall be lodged or depoſited, ſhall, within the ſpace of one Week after the lodging or depoſiting thereof in ſuch Place, be given to ſuch Leſſee or Tenant, or left at the laſt Place of his or her Abode.

This Act ſhall not hinder the King &c. to levy &c. any Quit Rents &c. due to the Crown.

XIII. *Provided always, and it is hereby Enacted*, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to let, hinder, or prejudice His Majeſty, his Heirs or Succeſſors, in the levying, recovering or ſeizing, any Quit Rents, Debts, Fines, Penalties, or Forfeitures, that are or ſhall be due, payable, or anſwerable, to His Majeſty, his Heirs or Succeſſors; but that it ſhall and may be lawful for

for His Majeſty, his Heirs and Succeſſors, to levy, recover, and ſeize, ſuch Quit Rents, Debts, Fines, Penalties and forfeitures, in the ſame Manner as if this Act had never been made; any Thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

CAP. IV.

An ACT for taking Special Bails in the Country, upon Actions depending in His Majeſty's *Supreme Court* of this Province.

Preamble. 4. *Will. & Mar.* c. 4.

FOR *the greater Eaſe and Benefit of all Perſons whatſoever, in making Oath to their Debts, and in taking the Recognizances of Special Bails, upon all Actions and Suits depending, or to be depending in His Majeſty's* Supreme Court *of this Province: Be it Enacted by the Lieutenant Governor, Council, and Aſſembly*, That the *Chief Juſtice* and other the Juſtices of His Majeſty's ſaid *Supreme Court*, or any two of them, whereof the *Chief Juſtice* for the Time being to be one, ſhall or may, by one or more Commiſſion or Commiſſions under the Seal of the ſaid Court, from Time to Time as Need ſhall require, impower ſuch and ſo many Perſons, other than common Attornies and Solicitors, as they ſhall think fit and neceſſary, in all and every the ſeveral Counties within this Province, to adminiſter an Oath in Writing to any Perſon where it ſhall be neceſſary to hold any Defendant to Bail, upon any Original Writ or Proceſs iſſuing out of the ſaid Court, and to mark the Writ for Bail accordingly; and alſo to take and receive all and every ſuch Recognizance or Recognizances of Bail or Bails, as any Perſon or Perſons ſhall be willing or deſirous to acknowlegde or make before any of the Perſons ſo impowered, in any Action or Suit depending or hereafter to be depending in the ſaid Court, in ſuch Manner and Form and by ſuch Recognizance or Bail Piece, as the ſaid Juſtices have uſed to take the ſame; which ſaid Oath in Writing, and the ſaid Recognizance or Recognizances of Bail, or Bail Piece, ſo taken as aforeſaid, ſhall be tranſmitted to ſome or one of the Juſtices of the ſaid Court, who, upon Affidavit made of the due taking of the Recognizance of ſuch Bail or Bail Piece, by ſome credible Perſon preſent at the taking thereof, ſhall receive the ſame, upon Payment of a Fee of Two Shillings and no more; which ſaid Oath, and Recognizance of Bail, or Bail Piece, ſo taken and tranſmitted, ſhall be of the like Effect, as if the ſame were taken *de bene eſſe* before any of the ſaid Juſtices of the ſaid Court; for the adminiſtering of every which Oath and marking ſuch Writ as aforeſaid, the ſaid Commiſſioners ſhall receive only the Sum or Fee of Two Shillings and no more; and for the taking of every which Recognizance or Recogni-

Chief Juſtice &c. of the *Supreme Court*, may make any Perſons, except Attornies and Solicitors, Commiſſioners to take Bail &c. in the Country.

Juſtices to receive the Bail Piece &c. upon Affidavit of due Execution.

Juſtices Fee.

Bail taken below to be as *de bene eſſe*.

Commiſſioners Fee.

cognizances of Bail or Bail Piece, the ſaid Commiſſioners ſhall receive only the Sum or Fee of Five Shillings and no more.

Power given to the Juſtices to make Rules for juſtifying the Bail.

II. *And be it further Enacted*, That the Juſtices of the ſaid *Supream Court* ſhall make ſuch Rules and Orders for the juſtifying of ſuch Bails, and making of the ſame abſolute, as to them ſhall ſeem meet, ſo as the Cognizor or Cognizors of ſuch Bail or Bails be not compelled to appear in Perſon in the ſaid Court, to juſtify him or themſelves, but the ſame may be and hereby is directed to be determined by Affidavit or Affidavits duly taken before the ſaid Commiſſioners, who are hereby impowered and required to take the ſame, and alſo to examine the Sureties upon Oath, touching the Value of their reſpective Eſtates, unleſs the Cognizor or Cognizors of ſuch Bail do live within the Town of *Halifax*, or within Twenty Miles thereof.

Felony for any Perſon to be Bail in another Man's Name.

III. *And be it further Enacted*, That any Perſon or Perſons, who ſhall before any Perſon or Perſons impowered by virtue of this Act, as aforeſaid, to take Bail or Bails, repreſent or perſonate any other Perſon or Perſons, whereby the Perſon or Perſons ſo repreſented or perſonated may be liable to the Payment of any Sum or Sums of Money, for Debt or Damages to be recovered in the ſame Suit or Action, wherein ſuch Perſon or Perſons are repreſented and perſonated, as if they had really acknowledged and entered into the ſame, being lawfully convicted thereof, ſhall be adjudged, eſteemed, and taken to be Felons, and ſuffer the Pains of Death, and incur ſuch Forfeitures and Penalties as Felons in other Caſes convicted or attainted do by the Laws of England loſe and forfeit.

CAP. V.

An ACT for the convenient and ſpeedy Aſſignment of Dower.

Preamble.

FORASMUCH *as ſome Directions in the Law are neceſſary, that Women may be enabled to come by their Dower; Be it Enacted by the Lieutenant Governor, Council, and Aſſembly*, That when and ſo often as the Heir or other Perſon having the Freehold,

Heir &c. to render Dower within one Month next after Demand.

ſhall not within one Month next after Demand made, Aſſign and ſet out to the Widow of the Deceaſed, her Dower or juſt third Part of and in all Houſes, Lands, Tenements, or Hereditaments, whereof ſhe is Dowable at the Common Law, to her Satisfaction according to the true Intendment of Law, then ſuch Widow may ſue for and recover the ſame by Writ of Dower, to be therefore brought againſt ſuch Perſons as have, or claim to have Right as aforeſaid in the ſaid Eſtate, in Manner and Form following, *That is to ſay*,

ſſ. *GEORGE*

ſ. *GEORGE the Third, by the Grace of GOD of* Great Britain, France *and* Ireland, *KING, Defender of the Faith, &c.*

To the Sheriff of Our *or his Deputy, Greeting.*

Writ of Dower.

COMMAND A. B. *within the ſaid County, that inſtantly without Delay render to* C. D. *who was the Wife of* E. D. *late of aforeſaid deceaſed, her reaſonable Dower which happens to her of a certain Meſſuage or Tenement with the Appurtenances, ſituate in aforeſaid, in the Poſſeſſion of the ſaid* A. B. *which was in the Seizin and Poſſeſſion of her ſaid Huſband* E. D. *and whereof he was ſeized in his Demeſne as of Fee during the Coverture, and whereof ſhe hath nothing (as ſhe ſaith) and the ſaid* C. D. *complains that the ſaid* A. B. *hath deforced her thereof. And unleſs the ſaid* A. B. *ſhall ſo do, then ſummon by good and lawful Men in the ſaid County, the ſaid* A. B. *that be before our Juſtices of Our Court next to be holden at for the County of aforeſaid, on the Day of then and there to ſhew Cauſe, why to the ſaid* C. D. *her reaſonable Dower as aforeſaid doth not render. And have you the Names of them by whom you ſummon the ſaid* A. B. *and this Writ. Witneſs* E. H. *Eſquire, at the Day of in the Year of Our Reign,* Annoque Domini

A. D. *Clerk.*

Reaſonable Damage to be aſſigned to the Widow.

II. *And be it further Enacted,* That upon Judgment being given for any Woman to recover her Dower in any Eſtate of Houſes and Lands, and other Hereditaments, which were her Huſband's, reaſonable Damage ſhall alſo be aſſigned to her from the Time of the Demand made, and a Writ of Seizin ſhall be directed to the Sheriff or his Deputy, in Manner and Form following; *That is to ſay.*

ſ. *GEORGE the Third, by the Grace of GOD, of* Great Britain, France, *and* Ireland, *KING, Defender of the Faith, &c.*

To the Provoſt Marſhal of Our Province of Nova Scotia, *or his Deputy, Greeting.*

Writ of Seizin.

WHEREAS C. D. *Widow, who was the Wife of* E. D. *late of in the County aforeſaid deceaſed, before our Juſtices of our Court holden at for Our County aforeſaid, on the Day of now laſt paſt, did recover her Seizin againſt* A. B. *of aforeſaid of one Third Part of a certain Meſſuage or Tenement, &c. with the Appurtenances, ſituate in aforeſaid, in the Poſſeſſion of the ſaid* A. B. *as her Dower of the Endowment of the ſaid* E. D. *her certain Huſband, by Our Writ of Dower, whereof ſhe hath nothing. Therefore We Command you that to the ſaid* C. D. *full Seiſin of one Third Part of the aforeſaid Meſſuage or Tenement, &c. with the Appur-*

tenances you cauſe to be had without Delay: To hold to her in Severalty by Metes and Bounds. We Command you alſo, that of the Goods or Chattels of the ſaid A. B. *within your Precinct, you cauſe to be paid and ſatisfied unto the ſaid* C. D. *at the Value thereof in Money, the Sum of for Damages awarded her by Our ſaid Court, for her being held and kept out of her Dower aforeſaid, and Coſts expended on this Suit, with more for this Writ; and thereof alſo to ſatisfy yourſelf your own Fees. And for want of Goods or Chattels of the ſaid* A. B. *to be by him ſhewn unto you, or found within your Precinct, to ſatisfy the ſame, We Command you to take his Body, and commit him to the Keeper of Our Goal in in Our County aforeſaid within the ſaid Priſon. Whom we likewiſe Cammand to receive the ſaid* A. B. *and him ſafely to keep, until he pay unto the ſaid* C. D. *the full Sum above mentioned, and alſo ſatisfy your Fees. Hereof fail not, and make Return of this Writ, and how you ſhall have executed the ſame, to Our next Court to be holden at for Our ſaid County of on the Day of next. Witneſs* E. H. *Eſquire, at the Day of in the Year of Our Reign,* Annoque Domini 17

A. D. *Clerk.*

And where no Damages ſhall be awarded, the Writ to run only for Seizin and Coſts of Suit.

Dower to be ſet forth by five Freeholders, upon Oath.

III. *And be it further Enacted*, That the Sheriff or his Deputy, to whom ſuch Writ is directed, is to cauſe her Third Part of Dower in ſuch Eſtate, to be ſet forth unto her by five Freeholders of the Neighbourhood, upon their Oaths, (Three at leaſt to agree) who ſhall be ſworn before a Juſtice of the Peace, to ſet forth the ſame equally and impartially without Favor or Affection, as convenient as may be; which Oath every Juſtice of the Peace is hereby impowered to adminiſter.

In what Manner intire Inheritances ſhall be aſſigned.

IV. *And be it further Enacted*, That of Inheritances that be intire, where no Diviſion can be made by Metes and Bounds, ſo as a Woman cannot be endowed of the Thing itſelf, ſhe ſhall be endowed thereof in a ſpecial and certain Manner, as of a Third Part of the Rents, Iſſues, or Profits thereof, to be computed and aſcertained in Manner as aforeſaid. And no Woman that ſhall be endowed of any Lands, Tenements, or other Inheritances, as aforeſaid, ſhall commit or ſuffer any Strip or Waſte thereupon, but ſhall maintain the Houſes or Tenements, with the Fences and Appurtenances thereof, with which ſhe ſhall be ſo endowed, in good Repair during her Term, and leave the ſame ſo at the Expiration thereof, and ſhall be liable to Action for any Strip or Waſte by her done, committed or ſuffered.

Widow ſhall not make Strip or Waſte.

CAP. VI.

CAP. VI.

An ACT for discharging the Penalties and Forfeitures in Bonds, Contracts, and Agreements, on Payment and Satisfaction of the principal Sum and Damages due upon the same.

BE it *Enacted by the Lieutenant Governor, Council, and Assembly*, That in every Action upon any Bond, Contract, and Agreement, with Penalty for Performance of the Condition contained in such Bond, Contract, or Agreement, it shall and may be lawful for the respective Courts, where such Action shall be brought, upon due Proof of the just Sum due upon the Condition of such Bonds, Contracts, and Agreements, together with all such Damages and Costs as have been incurred by Non performance of the Condition, to direct and receive a Verdict for the Sum and Damages so proved at the Trial; and to cause Satisfaction to be entered up on the Judgment upon such Bond, Contract and Agreement, upon Payment of the Debt and Damages, so to be ascertained by Verdict or otherwise. 4. *Ann. c.* 16.

In Actions brought upon Bonds, &c. with Penalties, Verdict shall be only for the Sum justly due.

II. *And be it further Enacted*, That when any Action of Debt shall be brought on any single Bill, or where Debt or *Scire facias* shall be brought on any Judgment, if the Defendant hath paid the Money, such Payment may be pleaded in Bar; and where Debt is brought on any Bond which hath a Condition or Defeazance to make void the same upon Payment of a lesser Sum, if the Obligor, his Heirs, Executors, or Administrators, have, before the Action brought, paid the Principal and Interest due, though such Payment was not made strictly according to the Condition of the Defeazance, yet it may be pleaded in Bar, and shall be as effectual as if the Money had been paid at the Day and Place according to the Condition, and had been so pleaded.

In Action of Debt brought on single Bill or Judgment, after Money paid, such Payment may be pleaded in Bar.

III. *And be it further Enacted*, That if at any Time pending an Action upon such Bond with a Penalty, the Defendant shall bring into Court the Principal and Interest due, and all Costs already expended in any Suit in Law or Equity upon such Bond, the Money shall be taken in Satisfaction of the Bond, and the Court shall give Judgment to discharge such Defendant.

Principal and Interest on Bonds, &c. being paid in Court, &c. the Court may discharge the Defendant.

CAP. VII.

An ACT to prevent the malicious killing or maiming of Cattle.

12. & 23. *Car.* 2. *c.* 7. *ſ.* 5.

Treble Damages for killing or maiming of Cattle.

BE it *Enacted by the Lieutenant Governor, Council and Aſſembly*, That if any Perſon or Perſons, ſhall maliciouſly, unlawfully, and willingly, kill, maim, wound, or otherwiſe hurt, any Horſes, Sheep, or other Cattle, every ſuch Offender or Offenders ſhall loſe and forfeit unto the Party grieved, Treble the Damage which he or they ſhall ſuſtain, to be recovered by Action of Treſpaſs, or upon the Caſe, in any of His Majeſty's Courts of Record in this Province.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Twenty Eighth Day of *May*, *Anno Domini* 1765, in the Fifth Year of the Reign of our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Twenty Second Day of *October*, 1768, in the Eighth Year of His ſaid Majeſty's Reign; being the Seventh Seſſion of the Fourth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT for the rating and levying of the Charges for conveying Malefactors and Offenders to the Goal.

Preamble.

Eng. Stat. 3. Jac. 1. c. 10.

WHEREAS *His Majeſty's Subjects are much charged and burthened in conveying Felons and other Malefactors and Offenders againſt His Majeſty's Laws, unto the Goal, puniſhable by Impriſonment there, the ſaid Felons and other Malefactors and Offenders having Goods and Chattels of their own, whereby to defray the ſame Charges themſelves, to the great Encouragement*

of

of ſuch Malefactors and Offenders in their ſaid wicked and bad Courſes, and to the Diſcouragement of His Majeſty's ſaid Subjects, in proſecuting the ſaid Malefactors and Offenders to be puniſhed according to their Demerits; Be it therefore Enacted by the Lieutenant Governor, Council, and Aſſembly, That all and every Perſon and Perſons whatſoever, that ſhall hereafter be committed to the common or uſual Goal within any County in this Province, by any Juſtice or Juſtices of the Peace, for any Offence or Miſdemeanor, that the ſaid Perſon or Perſons ſo to be committed as aforeſaid, having Means or Ability thereunto, ſhall bear their own reaſonable Charges for ſo conveying or ſending them to the ſaid Goal, and the Charges alſo of ſuch as ſhall be appointed to guard them to ſuch Goal, and ſhall ſo guard them thither: And if any ſuch Perſon or Perſons, ſo to be committed as aforeſaid, ſhall refuſe at the Time of their Commitment and ſending to the ſaid Goal, to defray the ſaid Charges, or ſhall not then pay or bear the ſame, that then ſuch Juſtice or Juſtices of the Peace ſhall and may, by Writing under his or their Hand and Seal, or Hands and Seals, give Warrant to the Conſtable or Conſtables of the Town or Place where ſuch Perſon or Perſons ſhall be dwelling and inhabit, or from whence he or they ſhall be committed as aforeſaid, or where he or they ſhall have any Goods within the County, Town or Place, to ſell ſuch and ſo much of the Goods and Chattels of the ſaid Perſons, ſo to be committed, as by the Diſcretion of the ſaid Juſtice or Juſtices of the Peace, ſhall ſatisfy and pay the Charge of ſuch his or their conveying and ſending to the ſaid Goal; the Appraiſement to be made by four of the honeſt Inhabitants of the Town or Place where ſuch Goods or Chattels ſhall remain and be, and the Overplus of the Money which ſhall be made thereof to be delivered to the Party to whom the ſaid Goods ſhall belong.

Offenders to be conveyed to Goal at their own Charge.

How the Charges ſhall be levied if the Priſoner refuſe to pay.

II. *And be it further Enacted*, That if the ſaid Perſon or Perſons ſo to be committed as aforeſaid, ſhall not have or be known to have any Goods or Chattels, which may be ſold for the Purpoſe aforeſaid, within the County, Town or Place, that then the ſaid Juſtice or Juſtices, on Application by any Conſtable or other Officer who ſo conveyed ſuch Perſon or Perſons to Goal, ſhall upon Oath examine into and aſcertain the reaſonable Expences to be allowed ſuch Conſtable or other Officer, and ſhall forthwith, without Fee or Reward, by Warrant under his or their Hand and Seal, or Hands and Seals, order the Treaſurer of the County to pay the ſame, which the ſaid Treaſurer is hereby required to do, as ſoon as he receives ſuch Warrant; and any Sum ſo paid ſhall be allowed in his Accounts.

If the Offender be not able to bear his Charges, the ſame ſhall be paid by the County Treaſurer.

III. *And Whereas the Expence as well as Loſs of Time in attending Courts of Juſtice, is a Diſcouragement to the poorer Sort to appear as Witneſſes againſt Offenders, who thereby eſcape the Public Juſtice, and the Puniſhment due to their Crimes, Be it further Enacted*, That when any poor Perſon ſhall appear on Recognizance in any Court, to give Evi-

Brit. Stat. 27. *Geo.* 2. c. 3.

dence againſt another accuſed of any *Grand* or *Petit* Larceny, or other Felony, it ſhall and may be in the Power of the Court, at the Prayer and on the Oath of ſuch Perſon, and on Conſideration of his Circumſtances, in open Court to order the Treaſurer of the County in which the Offence ſhall have been committed, to pay unto ſuch Perſon ſuch Sum of Money, as to the ſaid Court ſhall ſeem reaſonable for his Time, Trouble and Expence; which Order the proper Officer of ſuch Court is hereby directed and required to make out, and to deliver unto ſuch Perſon, upon being paid for the ſame the Sum of Six Pence and no more; and ſuch Treaſurer is hereby authorized and required, upon Delivery of ſuch Order, forthwith to pay to ſuch Perſon, or other Perſons authorized to receive the ſame, ſuch Sum of Money as aforeſaid, and ſhall be allowed the ſame in his Accounts.

Charges of poor Witneſſes to be paid by the County Treaſurer, by Order of Court.

In Counties where no Treaſurer is appointed, &c. ſuch Charges ſhall be paid out of the public Treaſury.

IV. *And be it further Enacted*, That in ſuch Counties where no County Treaſurer ſhall have been choſen, or in Caſe ſuch Treaſurer ſhall not have any Money in his Hands, to pay the Sum ſo ordered for conveying poor priſoners to Goal, or for the Attendance of Witneſſes, that then and in ſuch Caſe the ſame ſhall be paid out of the Public Treaſury of the Province.

The Defendant's Plea in an Action brought for any Thing done by Force of this Act.

V. *And be it further Enacted*, That if any Action of Treſpaſs or other Suit ſhall happen to be attempted or brought againſt the Perſon or Perſons for taking of any Diſtreſs, making of any Sale, or any other Act by Authority of this preſent Act, the Defendant or Defendants in any ſuch Action or Suit, ſhall and may either plead Guilty, or otherwiſe make Avowry, Cognizance or Juſtification, for the taking of the ſaid Diſtreſs, making of Sale, or any other Act by Virtue of this Act, alledging in ſuch Avowry, Cognizance, or Juſtification, that the ſaid Diſtreſs, Sale, Treſpaſs or other Thing whereof the Plaintiff or Plaintiffs complained, was done by Authority of this Act, and according to the Tenor, Purport, and Effect of this Act, without any expreſſing or Rehearſal of any other Matter of Circumſtance contained in this preſent Act: To which Avowry, Cognizance, or Juſtification, the Plaintiff ſhall be admitted to reply, That the Defendant did take the ſaid Diſtreſs, made the ſaid Sale, or did any other Act or Treſpaſs ſuppoſed in his Declaration, of his own Wrong, without any ſuch Cauſe alledged by the ſaid Defendant; whereupon the Iſſue in every ſuch Action ſhall be joined to be tried by Verdict of Twelve Men, and not otherwiſe, accuſtomed in other Perſonal Actions; and upon the Trial of that Iſſue the whole Matter to be given on both Parties in Evidence, according to the very Truth of the ſame; and after ſuch Iſſue tried for the Defendant, or Nonſuit of the Plaintiff after Appearance, the ſaid Defendant to recover Treble Damages by Reaſon of his wrongful Vexation in that Behalf, with Coſts alſo on that Part ſuſtained, and that to be aſſeſſed by the ſame Jury, or Writ to enquire of the Damages, as the ſame ſhall require.

The Defendant ſhall recover Treble Damages, and Coſts of Suit.

CAP. II.

CAP. II.

An Act relating to Searchers and Sealers of Leather.

BE it *Enacted by the Lieutenant Governor, Council, and Aſſembly*, That no Tanner or other Perſon whatſoever, ſhall ſell or expoſe to ſale, any Leather tanned, curried or otherwiſe dreſſed or manufactured within this Province, or imported into the ſame (from any of the neighbouring Colonies) till the ſame has been viewed, ſtamped, and marked by the Officer for that Purpoſe to be appointed, on pain of forfeiting the Sum of Twenty Shillings for every Ox, Bull, Steer, or Cow Hide, and Five Shillings for every Calf Skin ſo ſold or offered to be ſold.

No Leather ſhall be ſold or expoſed to Sale, before it has been viewed and marked by the Surveyor.

II. *And be it further Enacted*, That every Surveyor appointed and ſworn according to Law, ſhall, from Time to Time, view all ſuch Hides and Skins as aforeſaid, and ſhall ſtamp and mark all ſuch as he ſhall find to be ſufficiently tanned, curried, or otherwiſe dreſſed or manufactured; and if any ſuch Hides or Skins ſhall have been manufactured within this Province, the ſame ſhall be ſtamped and marked with the firſt Letter of the Name of the Town wherein they have been ſo manufactured, and ſuch Surveyor ſhall be paid for his Trouble in viewing and marking ſuch Hides and Skins, at the following Rates, *That is to ſay*, for every Ox, Bull, Steer or Cow Hide, three Pence, and for every Calf Skin one Penny; and every ſuch Hide ſhall, at the Time of being ſo ſurveyed and marked, be weighed alſo in Preſence of the Surveyor, and the weight thereof ſhall by him be marked on ſaid Hide.

The Surveyor ſhall view all Hides and Skins, and mark ſuch as are ſufficiently tanned, &c.

and if manufactured within the Province, the ſame ſhall be marked with the firſt Letter of the Name of the Town where manufactured.

III. *And be it alſo Enacted*, That if any Perſon or Perſons ſhall preſume to counterfeit the Stamp or Mark by this Act required, and ſhall be thereof convicted before any Two of His Majeſty's Juſtices of the Peace, he ſhall forfeit the Sum of Ten Pounds.

Penalty £10. for counterfeiting the Surveyor's Mark.

IV. *And be it alſo further enacted*, That all Forfeitures and Penalties ariſing by Force and Virtue of this Act, ſhall be one half to the Informer, and the other half to the uſe of the Poor, and be recovered by Complaint or Information, before any two of His Majeſty's Juſtices of the Peace for the County where ſuch Complaint or Information ſhall ariſe; and be levied, upon due Conviction, by Warrant of Diſtreſs and Sale of the Offender's Goods and Chattels, under the Hand and Seal of ſuch Juſtices; and for want of ſufficient Diſtreſs the Offender to ſuffer one Month's Impriſonment.

How Forfeitures and Penalties ſhall be applied.

CAP. III.

CAP. III.

An ACT to impower the *Supreme Court*, at their ſtated Sittings in the Town of *Halifax*, to try Offenders who may be guilty of Felonies in other Counties in this Province.

Preamble.

WHEREAS *it often happens that Perſons are charged with committing Felonies in many Parts of this Province, at a great Diſtance from the Town of* Halifax, *and in ſuch Caſes His Majeſty's Governors have found it neceſſary and expedient to iſſue Commiſſions of* Oyer *and* Terminer, *and* General Goal Delivery, *for the Trial of ſuch Offenders in the proper Counties where ſuch Offences have been committed: And Whereas it has been found by Experience, that the executing ſuch Commiſſions in thoſe Counties which are ſituated on the Sea Coaſts, or to which there is no Communication by Land, has been attended with great Expence, in the Hire of Veſſels to carry the Judges and the Officers of the Court, and for their Support; and the Uncertainty of Paſſages by Sea renders it very difficult to procure Jurors, and alſo to collect the Witneſſes that may be neceſſary to be examined on the Trial of ſuch Offenders, as the Inhabitants do not live together in any one Town or Place, but are ſettled in different Parts of the Country, many Miles diſtant from each other: In order therefore to remedy theſe Inconveniences, Be it enacted by the Lieutenant Governor, Council, and Aſſembly,* When any Perſon or Perſons ſhall be charged with any Felony, done or committed in any County ſituate on the Sea Coaſts of this Province, or to which there is no Communication with the Town of *Halifax* by Land, that the Juſtice of the Peace before whom ſuch Offender or Offenders ſhall be examined, ſhall commit ſuch Offender or Offenders to His Majeſty's Common Goal for the County of *Halifax*, and ſhall bind the Witneſſes by Recognizance, to appear and give Evidence againſt ſuch Offender or Offenders, at His Majeſty's *Supreme Court*, *Court of Aſſize*, or *General Goal Delivery* next to be held for the County of *Halifax*.

Perſons charged with Felonies, done in any County, to which there is no Communication by Land with the Town of *Halifax*, ſhall be committed to the County Goal of *Halifax*, and the Witneſſes bound to appear at the next Supreme Court at *Halifax*.

II. *And be it further Enacted*, That His Majeſty's ſaid *Supreme Court*, *Court of Aſſize*, or *General Goal Delivery*, ſhall be and hereby is impowered to proceed to the Trial of ſuch Offenders, in the ſame Manner as if the Felonies with which they are charged had been done and committed in the County of *Halifax*; and all Trials, Verdicts, Judgments, Executions, and other Proceedings whatſoever of the ſaid Court, to be had thereupon, ſhall be and hereby is declared to be as good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever, as if the ſame had been in the County where ſuch Felonies had been committed; any Law, Uſuage, or Cuſtom to the contrary thereof in any wiſe notwithſtanding.

The Supreme Court held for the County of *Halifax*, impowered to proceed againſt ſuch Offenders.

At

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Sixth Day of *June*, *Anno Domini* 1770, in the *Tenth Year* of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. being the Firſt Seſſion of the Fifth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT for the Settlement of the Poor in the ſeveral Townſhips within this Province.

Eng. Stat. 43. *Eliz. cap.* 2.

WHEREAS *it is neceſſary that the Poor in this Province ſhould have ſome fixed Place of Settlement, to prevent their wandering about the Country, and that the Towns to which they do not properly belong, ſhould not be put to the Expence of ſupporting them*; *Be it Enacted by the Governor, Council, and Aſſembly*, That from and after the Publication hereof, no Town or Townſhip within this Province, ſhall be obliged to maintain any poor Perſon or Perſons, unleſs ſuch Perſon or Perſons be a Native of ſuch Town or Townſhip, or have ſerved an Apprenticeſhip, or have lived as an hired Servant one whole Year, next before ſuch Perſons Application for Relief, or have executed ſome publick annual Office, or ſhall have been aſſeſſed and paid his or her Share of the Taxes for the Poor of ſuch Place, or any publick Taxes during one whole Year, at one Time.

Preamble.

Deſcription of Perſons intitled to be maintained.

II. *And it is hereby declared and Enacted*, That every Perſon within the ſaid Deſcriptions ſhall be intitled to a Settlement in the reſpective Towns or Townſhips wherein ſuch Perſon or Perſons ſhall be ſo qualified as aforeſaid.

and intitled to a Settlement.

III. *And be it further Enacted*, That any Perſon or Perſons who ſhall apply to the Overſeers of the Poor for Relief, not having obtained a lawful Settlement in the Townſhip, ſhall be required to declare on Oath before one of His Majeſty's Juſtices of the Peace for the ſaid Townſhip or County wherein ſuch Townſhip ſhall be, his, her or

Perſons applying for Relief to declare their laſt Place of Reſidence.

their laſt place of Reſidence; and if they are found to have gained any lawful Settlement within this Province, a true Copy of the ſaid Declaration, atteſted by the ſaid Overſeers of the Poor, and certified by the ſaid Juſtice of Peace, together with the Amount of Expence incurred, ſhall be tranſmitted to the Overſeers of the Poor of the Townſhip to which the ſaid Perſon or Perſons ſhall belong, and in caſe they refuſe or neglect to remove the ſaid Perſon or Perſons, and pay the Expences incurred, it ſhall and may be lawful for any Two of His Majeſty's Juſtices of the Peace for the County or Townſhip where ſuch Perſon or Perſons have become chargeable, by a Warrant under their Hands and Seals, to cauſe him, her, or them to be removed to the Townſhip where they laſt obtained a lawful Settlement, and the Overſeers of the Poor are hereby required to receive ſuch Perſon or Perſons, and to pay ſuch Sum and Sums of Money as ſhall have been neceſſarily expended as aforeſaid, to the Overſeers of the Poor of the Townſhip from whence ſuch Perſon or Perſons have been removed; *Provided always*, That in caſe ſuch Overſeer or Overſeers of the Poor, ſhall not have Money in their Hands wherewith to anſwer ſaid Expence, ſuch Overſeer or Overſeers ſhall ſtand charged therewith, until the next Aſſeſſment to be made on the Townſhip to which ſuch poor Perſon ſhall belong.

Overſeers of the Poor to remove Perſons belonging to Townſhip where they ſerve.

In default, 2 Juſtices by Warrant to cauſe ſuch Perſons to be removed,

And the Overſeers to pay all Charges.

If ſuch Overſeers have not Money in their Hands, to ſtand charged therewith until next Aſſeſſment.

IV. *And be it alſo Enacted*, That it ſhall and may be lawful for any two of His Majeſty's Juſtices of the Peace, on Complaint of the Overſeers of the Poor, to bind out any Perſon or Perſons, who ſhall be found begging or ſtrolling about, for any Term not exceeding one Year.

Two Juſtices to bind out Perſons begging or ſtrolling.

V. *And be it alſo further Enacted*, That the Father and Grand-Father, Mother and Grand-Mother, and the Children and Grand-Children, ſeverally and reſpectively, of every poor, old, blind, lame, and impotent Perſon, or other poor Perſons not able to work, being of ſufficient Ability, ſhall at his, her, or their Charges and Expences, relieve and maintain every ſuch poor Perſon as aforeſaid, in ſuch Manner as the Juſtices of the Peace at their *General* or *Quarter Seſſions* ſhall order and direct, on the Penalty of forfeiting and paying Five Shillings for each Perſon ſo ordered to be relieved, for every Week they ſhall fail therein, to be ſued for, levied and recovered in the uſual Manner, and to be applied for the Uſe of the Poor.

Eng. Stat. 3. & 4. *Will. & Mary, cap.* 11.

Poor old blind, lame, and impotent Perſons, to be relieved by their Parents or Children,

in Manner as by Seſſions ſhall be ordered.

VI. And Whereas it ſometimes happens, that Perſons run away, or abſcond from their Places of Abode and legal Settlement, and leave their Wives and Families a Charge to the Public; although ſuch Perſons may have ſome Eſtate real or perſonal, whereby the Place might be eaſed in whole or in Part, which is moſt juſt and reaſonable; *Be it therefore Enacted*, That it ſhall and may be lawful for the Overſeer or Over-

Eng. St. 5. *Geo.* 1. *cap.* 8.

Overſeers of the Poor of any Townſhip within this Province, where any Huſband or Father ſhall abſent from, and forſake his Wife and Children, or any Widow ſhall abſent from, and forſake her Children, and leave them a public Charge; to apply to two Juſtices of the Peace, and by Warrant under the Hands and Seals of the ſaid two Juſtices, to take and ſeize the Goods and Chattels, and let out and receive the annual Rents and Profits of the Lands and Tenements of ſuch Huſband, Father, or Mother ſo abſconding as aforeſaid, for and towards the maintaining, bringing up, and providing for ſuch Wife, Child, or Children ſo left as aforeſaid, and ſo ſoon as the ſaid Seizure ſhall be allowed of, and confirmed by the Juſtices in their *General* or *Quarter Seſſions* of the Peace, it ſhall and may be lawful for the ſaid Overſeers, or any two of them from Time to Time, and as the Caſe may require, to ſell and diſpoſe of ſo much and ſo many of the ſaid Goods and Chattels at Public Sale, to the higheſt Bidder, and to apply the Money ariſing thereby towards the Maintenance of ſuch poor Family ſo left as aforeſaid.

Lands, Tenements and Effects of Parents or Huſbands leaving their Children or Wives, liable to be taken for their Maintenance.

Overſeers of the Poor to apply to a Juſtices.

Seizure to be allow'd by Seſſions.

Overſeers then to ſell and diſpoſe of Goods and Chattels for that Purpoſe.

VII. *And be it further Enacted*, That in caſe of the Death of the Parents of any Child or Children, who have gained a Settlement in any Townſhip as aforeſaid, all and every ſuch Child or Children, ſhall be ſupported by ſuch Town or Townſhip wherein the Parents ſo gained a Settlement

Children of Parents deceaſed, who have gained a Settlement, to be ſupported.

VIII. *And be it Enacted*, That if any Town or Townſhip, or Perſon or Perſons whatſoever, ſhall think themſelves aggrieved by any Proceedings had in Virtue of this Act, ſuch Town or Townſhip, Perſon or Perſons, may appeal for Redreſs to the next *General* or *Quarter Seſſions* of the Peace held for the County wherein ſuch Town or Townſhip ſhall be, or wherein ſuch Perſon or Perſons ſhall reſide; and the Juſtices thereof are hereby required and impowered to hear and determine all and every ſuch Appeal or Complaint, and to give Redreſs as they in their Judgment ſhall think equitable, and ſuch their Order and Judgment ſhall be final and bind all Parties.

Townſhips or Perſons aggrieved may appeal to the Seſſions.

CAP. II.

An Act for regulating the Commons belonging to the ſeveral Townſhips in this Province.

WHEREAS it is neceſſary, that ſome Regulations ſhould be made reſpecting the Tracts of Land ſet apart for Common, in the ſeveral Townſhips in this Province;

Preamble.

I, *Be*

Juſtices in *Seſſions* to make Regulations for the ſeveral Townſhips in reſpect to the Commons.

I. *Be it Enacted by the Governor, Council, and Aſſembly*, That the Juſtices in their ſeveral *General Seſſions of the Peace*, to be held for the ſeveral Counties in this Province, ſhall from Time to Time affix and ſettle ſuch Regulations as they may think moſt proper and convenient to be obſerved and followed by the Inhabitants in the ſeveral Townſhips within ſuch County, and ſuch Regulations ſo made, affixed, and ſettled, ſhall be and are hereby declared to be the ſtated Rules to be kept, obſerved, and followed, by the Inhabitants of each reſpective Townſhip, in regard to the Common belonging to the ſame.

Penalty on ſuch as tranſgreſs the Regulations ſo made;

how to be applied,

in default of payment, to be committed to Goal.

II. *And be it alſo Enacted*, That if any Perſon ſhall tranſgreſs any ſuch Rules and Regulations ſo to be ſettled and affixed, or ſhall neglect or refuſe to obey the ſame, ſuch Perſon ſhall forfeit and pay a Fine not exceeding Forty Shillings for every ſuch Offence, and in caſe ſuch Offender ſhall refuſe or neglect to pay the Fine, then it ſhall and may be lawful for any Two of His Majeſty's Juſtices of the Peace, to grant a Warrant of Diſtreſs for levying the ſame in the uſual Manner, one Half to be to the Perſon complaining, and the other Half for the Uſe of the Poor of the Townſhip where the Offence ſhall be committed, and in default of ſuch Diſtreſs, to commit ſuch Offender for any Space not exceeding ten Days.

CAP. III.

An Act for eſtabliſhing the Rate of Intereſt.

Eng. Stat. 37. *Hen.* 8. *cap.* 9.

No greater Intereſt than 6 *per* Ct. *per* Annum to be taken;

if more is taken, Bonds, Contracts, &c. to be void;

Perſons who ſhall take more on any other Contract for Goods, &c.

BE *it Enacted by the Governor, Council, and Aſſembly*, That no Perſon or Perſons whatſoever, upon any Contract which ſhall be made, ſhall take directly or indirectly, for Loan of any Monies, Wares, Merchandize, or other Commodities whatſoever, above the Value of Six Pounds, for the Forbearance of One Hundred Pounds for a Year, and ſo after that Rate for a greater or leſſer Sum, or for a longer or ſhorter Time; and that all Bonds, Contracts, and Aſſurances whatſoever, for Payment of any Principal or Money to be lent or convenanted to be performed upon or for any Uſury, whereupon or whereby there ſhall be reſerved or taken above the Rate of Six Pounds in the Hundred as aforeſaid, ſhall be utterly void, and that all and every Perſon or Perſons whatſoever, which ſhall, upon any Contract to be made, take, accept, and receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Chevizance, Shift, or Intereſt of any Wares, Merchandize, or other Thing or Things whatſoever, or by any deceitful Way or Means, or by any Covin, Engine, or deceitful Conveyance, for the forbearing or giving Day of Payment for One whole Year, or and for their Money or other Thing,

Thing, above the Sum of Six Pounds for the forbearing of One Hundred Pounds for a Year, and ſo after that Rate for a greater or leſſer Sum, or for a longer or ſhorter Time, ſhall forfeit and loſe for every ſuch Offence, the treble Value of the Monies, Wares, Merchandize, and other Things ſo lent, bargained, exchanged, or ſhifted; one Moiety thereof to be to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, for the public Uſe of this Province, and the Support of the Government thereof, and the other Moiety to him or them that will ſue for the ſame in any of His Majeſty's Courts of Record in the ſame County where the Offence ſhall be committed, and not elſe where, by Action of Debt, Bill, Plaint, or Information, in which no Eſſoign, Wager of Law, or Protection ſhall be allowed.

to forfeit treble Value;

Application of the Penalty,

how to be recovered.

II. *Provided*, That nothing in this Act ſhall extend or be conſtrued to extend to any Specialty, Hypothecation, Inſtrument or Agreement in Writing, that ſhall be made, entered into, or executed, for any Money lent or advanced, upon the Bottom of any Ship or Veſſel, any Thing to the contrary notwithſtanding.

Exceptions.

III. *Provided alſo*, That all Contracts and Agreements upon Loan at Intereſt upon any other Rate heretofore made than is preſcribed by this Act, ſhall be good, valid, and effectual to all Intents and Purpoſes whatſoever, in the ſame Manner as if this Act had not been made.

Proviſo that all Contracts, &c. upon Loan at Intereſt heretofore made, ſhall be good.

IV. 15. *Geo.* 3. *Ch.* 1. *Be it Enacted by the Governor, Council and Aſſembly*, That from and after the Publication hereof, it ſhall and may be lawful for any Perſon or Perſons to contract and agree for the Loan or Hire of any Quantity of Grain and Number of Cows, Horſes, Oxen, Heiffers, Sheep, Swine or any other kind of Stock of Cattle or Grain upon Halves or otherwiſe, as the Lender or Hirer may agree, upon the Lenders taking the Riſk of all ſuch Cows, Horſes, Oxen, Heiffers, Sheep, Swine or any other Kind of Live Stock upon himſelf, unleſs it doth or can be made appear, that the ſaid Stock ſo lent, periſh'd, and was loſt thro' the wilfull Neglect of the Borrower, or that the ſaid Borrower ſold or converted the ſaid Stock to his own Uſe, in which Caſe the Borrower ſhall make good to the Lender the full Value thereof; and that ſuch Dealings was not, nor ſhall be accounted Uſury.

After Publication of this Act it ſhall be lawful for any Perſon to contract and agree for the loan or hire of Cattle, &c.

V. *Be it Enacted*, That all Proſecutions hereafter to be brought for any Offence already done or committed, or which may hereafter be done or committed againſt the ſaid Act, ſhall be brought by the Perſon or Perſons aggrieved, or by any Perſon who may ſue for the ſame within twelve Months for the Time the Offence was committed: and it ſhall and may be lawfull for any Perſon or Perſons, who ſhall think themſelves aggrieved by any Judgment of any Inferior Court, to bring his Writ of Error, or Appeal to His Majeſty's Supreme Court.

All Proſecutions to be brought within Twelve-months.

Perſons aggrieved at any judgment of Inferior Court to bring Writ of Error or Appeal to Supreme Court.

CAP. IV.

An Act for eſtabliſhing the Toll to be taken at the ſeveral Griſt-Mills in this Province.

Toll for Grinding Wheat, Rye, Barley, Oats, and Indian Corn, to be 1-16th.

BE *it Enacted by the Governor, Council, and Aſſembly*, That the Toll to be taken by every Miller for grinding Wheat, Rye, Barley, Oats, and Indian Corn, ſhall be One Sixteenth Part, and no more, to be aſcertained by a ſealed Meaſure.

Millers taking greater Toll, to forfeit 40s. For the Uſe of the Poor, and recover'd before 2 Juſtices. Value of Grain taken more, to be recovered in like Manner.

II. *And be it alſo Enacted*, That if any Miller ſhall take any greater Toll than is herein directed to be taken, he ſhall forfeit and pay the Sum of Forty Shillings, to be paid to the Overſeers of the Poor of the Townſhip wherein the Offence ſhall be committed, or of the Townſhip moſt contiguous thereto, for the Uſe of the Poor, and be recovered before two of His Majeſty's Juſtices of the Peace, and the Amount of the Value of ſo much Grain or Meal as ſhall have been taken more than the Toll herein preſcribed, ſhall alſo be recovered in like Manner.

Millers not obliged to grind Grain not clean, dry, and in good Order.

III. *Provided always*, That no Miller ſhall be obliged to receive and grind any Corn or Grain which ſhall not be clean, dry, and in good Order.

Toll for bolting the Meal of Wheat, Rye or Buck-Wheat to be one Pint *per* Buſhel.

IV. 21. *Geo.* 3. *Ch.* 6. *Be it Enacted by the Lieutenant Governor, Council and Aſſembly*, That every Miller, who keeps a Bolting-Mill, ſhall be obliged to bolt the Meal of all Wheat, Rye or Buck-Wheat, ground at his Mill, when required; and that the Toll to be taken for the ſame, ſhall not exceed one Pint *per* Buſhel. And any Miller refuſing to comply herewith, ſhall be ſubject to the Penalty ſpecified in the afore-recited Act, and the ſame ſhall be paid, levied and applied, as directed in ſaid Act.

CAP. V.

An Act for the Benefit of the Fiſhery on the Coaſts of this Province.

Preamble.

WHEREAS *it is apprehended that the frequent Scarcity of Fiſh on the Banks near the Shores of this Province, may be occaſioned by Fiſhermen throwing into the Sea the Offal of the Fiſh they kill; For Remedy whereof.*

I. *Be*

I. *Be it Enacted by the Governor, Council, and Aſſembly*, That from and after the Publication hereof, if any Fiſherman in any Veſſel, Bark, or Boat, ſhall preſume to throw into the Sea within three Leagues of any of the Shores of this Province, any Heads, Bones, or other Offal of the Fiſh they may take, the Maſter of ſuch Fiſhing Veſſel, Bark, or Boat, ſhall, upon due Conviction thereof, by the Oath of one credible Witneſs, before any one of His Majeſty's Juſtices of the Peace, or by the View of the ſaid Juſtice, pay for each and every ſuch Offence the Sum of Five Pounds.

No Heads, Bones, or other Offal of Fiſh to be thrown into the Sea within 3 Leagues of the Shore.

Maſter to forfeit £5.

Conviction before One Juſtice, or by his own View.

II. *And be it further Enacted*, That all Penalties incurred and ariſing by this Act, ſhall be applied one Moiety to the Perſon who ſhall inform and ſue for the ſame, the other Moiety to be paid into His Majeſty's Treaſury for the Uſe of the Province, the ſame to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, together with the Charges of ſuch Diſtreſs and Sale, rendering the Overplus (if any be) to the Owner or Owners thereof.

Half to the Perſon informing and ſueing, Half to His Majeſty for the Uſe of the Province.

III. *Provided nevertheleſs*, That nothing in this Act ſhall extend to the debarring any Fiſhermen in Boats, who ſplit and dreſs their Fiſh on Shore, from throwing the Offal of their Fiſh into what is called the Land-Waſh.

Boats who ſplit and dreſs Fiſh on Shore, may throw Offal into Land Waſh.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Sixth Day of *June*, *Anno Domini* 1770, in the Tenth Year of the Reign of our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Fifth Day of *June*, 1771, in the Eleventh Year of His ſaid Majeſty's Reign; being the Second Seſſion of the Fifth *General Aſſembly* convened in the ſaid Province.

CAP. I.

CAP. I.

An ACT for the more effectually ſecuring the Title of Purchaſers againſt Claims for Dower.

Preamble.

WHEREAS *ſome Doubts have ariſen concerning the Conveyance of Dower by the Wife in her Huſband's Life Time in the Manner and Form now in Practice, in Order therefore to prevent any Difficulty that may hereafter ariſe touching the ſame.*

Wife aſſigning Dower to be Examined before a Juſtice of the Peace.

I. *Be it Enacted by the Governor, Council and Aſſembly*, That where a Sale ſhall be made of Lands or Tenements by the Huſband and his Wife, before ſuch Deed ſhall be valid and ſufficient to bar the Wife from the Recovery of her Dower after the deceaſe of her Huſband, ſhe ſhall be examined by One of His Majeſty's Juſtices of the Peace, whether ſhe hath done the ſame freely, voluntarily and without Compulſion from her Huſband, and if before ſuch Juſtice ſhe ſhall declare, that ſhe hath Freely and Voluntarily ſigned ſuch Deed, and therein Aſſigned her Right of Dower, the Juſtice ſhall accordingly certify ſuch Acknowledgments on the Deed, which ſhall for ever Bar her from the Recovery of her Right of Dower to ſuch Lands ſo Conveyed.

Juſtice to certify on the Deed.

Nothing in this Act to affect any Deed before made.

II. *Provided always*, That nothing in this Act contained, ſhall any Ways affect any Deed or Conveyance of Land heretofore made.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Sixth Day of *June*, *Anno Domini* 1770, in the *Tenth Year* of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Ninth Day of *June*, 1772, in the Twelfth Year of His ſaid Majeſty's Reign, being the Third Seſſion of the Fifth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An Act declaring what ſhall be deemed Merchantable Timber for Exportation to *Great-Britain*.

Preamble.

WHEREAS *the improving and ſecuring the Lumber Trade from this Colony to* Great-Britain, *will be highly beneficial, not only to the Mother Country, but alſo to this Province, and whereas certain Regulations relating to the Exportation of Square Timber are found to be neceſſary*;

No hewn Timber ſhall be deemed merchantable or offered for Sale unleſs ſound, &c. Surveyors of Lumber directed to ſurvey, meaſure and mark no other for Britiſh market.

I. *Be it therefore Enacted by the Lieutenant Governor, Council and Aſſembly*, That no Hewn Timber ſhall be deemed merchantable, or offered for Sale for the Britiſh Market as ſuch, unleſs the ſame is Sound, properly ſquared, and not leſs than Ten Inches Square, and free of Bark, and the Surveyors of Lumber are hereby directed to Survey, meaſure and mark the ſame, and none other, for the Britiſh Market, before the ſame ſhall be ſhipped for Exportation, for which ſuch Surveyor ſhall receive *Three Pence* per Ton and travelling Charges.

Where Contract is made for Timber for Britiſh market, to be underſtood to be according to the directions of this Act.

II. *And be it further Enacted*, That where any Contract or Bargain ſhall be made for any Quantity of Timber for the Britiſh Market, the ſame ſhall be underſtood to be according to the Directions of this Act, and no Merchant or Trader in Lumber ſhall be obliged to take any other, unleſs by particular Agreement firſt made for the ſame.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *Sixth* Day of *June*, *Anno Domini* 1770, in the Tenth Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France* and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Twelfth Day of *October*, 1773, in the Thirteenth Year of His ſaid Majeſty's Reign; being the Fourth Seſſion of the Fifth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT to impower the Province Treaſurer to iſſue other Notes in Exchange for ſuch Notes as have been iſſued heretofore, in Virtue of the ſeveral Loan Acts made by the *General-Aſſembly* of this Province, and are defaced and worn.

Preamble.

WHEREAS *it has been repreſented, that ſeveral Perſons who now poſſeſs Notes for Sums borrowed in Purſuance of the ſeveral Loan Acts made by the General Aſſembly of this Province, labour under great Inconvenience by Reaſon that many of the ſaid Notes are defaced and worn, and ſome would prefer to have large Notes in lieu of a Number of ſmall Ones, or to have the ſame exchanged,* For Remedy whereof.

The Treaſurer to take up and receive Notes defaced and worn, and to give receipts in form following.

I. *Be it Enacted by the Governor, Council and Aſſembly,* That the Treaſurer of the Province be, and he is hereby impowered and directed, on Application made to him for that Purpoſe, to take up and receive all ſuch Notes for Money borrowed as aforeſaid, and in Lieu thereof to give Receipts in the Form following,

PROVINCE NOVA-SCOTIA the Day of

" RECEIVED of the Sum of for the Uſe and " Service of the Province of *Nova-Scotia*, and in Behalf of " ſaid Province, I do hereby promiſe and oblige myſelf, and ſucceſ- " ſors in the Office of Treaſurer to repay the ſaid or Order " the Day of the aforeſaid Sum of with In- " tereſt at the Rate of Six Pounds per *Centum* per *Annum*.

" This Note being in Lieu of worn and defaced Notes heretofore " iſſued from the Treaſury, amounting to the like or ſame Sum and " now cancelled. Witneſs my Hand.

Or in the following Form, at the Option of the Perſon who ſhall bring in ſuch Notes or Receipts to be exchanged.

PROVINCE of *Nova-Scotia* the

" RECEIVED of the Sum of for the Uſe and " Service of the Province of *Nova-Scotia*, and in Behalf of " ſaid Province, I do hereby promiſe and oblige myſelf and Succeſ- " ſors in the Office of Treaſurer, to repay the ſaid or Bearer " the Day of the aforeſaid Sum of with Intereſt, " at the Rate of Six Pounds per *Centum* per *Annum*.

" This

" This Note being in Lieu of worn and defaced Notes heretofore " iſſued from the Treaſury, amounting to the like or ſame Sum, and " now cancelled. Witneſs my Hand.

II. *And be it further Enacted*, That all Receipts ſo iſſued by the Treaſurer of the Province, ſhall, according to the Tenor thereof, bear an Intereſt at the Rate of Six Pounds per *Centum* per *Annum*, and ſo in Proportion for a greater or leſſer Sum, and all ſuch Receipts ſo given, ſhall be dated on the Day following the Day to which the Intereſt due on ſuch Notes or Receipts brought in as aforeſaid was paid.

Such Notes to bear Intereſt.

III. *And be it alſo further Enacted*, That all Notes brought into the Treaſury as aforeſaid, and for which Receipts ſhall be given in Purſuance of this Act ſhall be cancelled in Preſence of ſuch Perſons as ſhall be appointed by the Governor, Lieutenant Governor, or Commander in Chief of the Province, and all new Notes iſſued in Purſuance of this Act, ſhall be counter-ſigned by them, or at leaſt two of them.

Notes brought in, to be cancelled in preſence of Perſons to be appointed by the Governor.

IV. *And be it Enacted*, That when Notes of different Dates are brought to the Treaſury to be exchanged for new Notes, the Intereſt in that Caſe ſhall be calculated upon each Note to the Day the new Note ſhall be dated, and the Treaſurer ſhall pay ſaid Intereſt and not include ſuch Intereſt in any new Note ſo iſſued.

When Notes are brought in to be exchanged, the intereſt to be calculated to the day the new Note is dated; and not included in new Note iſſued.

V. 16. *Geo.* 3. *Ch.* 2. *Be it Enacted, by the Lieutenant Governor, Council and Aſſembly*, That from and after the publication of this Act, all Poſſeſſors of Treaſuer's Notes and Warrants on the Treaſury, bearing Intereſt, now out ſtanding, ſhall, and they are hereby required to Exchange all ſuch Notes and Warrants at the Treaſury, for new Notes, in ſuch Sums as the Poſſeſſors ſhall chooſe, to bear Date the firſt day of *November*, and the firſt day of *May*.

Treaſurer's Notes & Warrants on the Treaſury bearing Intereſt to be exchanged for new Notes bearing Date FirſtNovember and Firſt May.

VI. *Sect.* 2. *And be it alſo Enacted*, That the Treaſurer ſhall, and he is hereby required, to iſſue ſuch new Notes in Exchange for ſuch Notes or Warrants as ſhall be brought to him for that Purpoſe, and to Date the ſame at the Periods afore-mentioned, and ſhall give Receipts or Certificates for all the Intereſt which ſhall be due on ſuch Notes or Warrants ſo received, which ſhall entitle the Bearer thereof to the Payment of ſuch Intereſt.

The Treaſurer to iſſue new Notes in Exchange for all ſuch Notes or Warrants as are brough to him, and give Receipts or Certificates for the Intereſt due thereon.

VII. *Sect.* 3. *And be it alſo further Enacted*, That all ſuch Poſſeſſors of Notes and Warrants as ſhall not chooſe to exchange the ſame in Manner as herein directed, ſhall nevertheleſs be obliged to comply with the Directions preſcribed by this Act, in the receiving the Intereſt due on ſuch Notes or Warrants, which ſhall be calculated to the Periods herein limitted, and be paid accordingly.

Such Poſſeſſors of Notes, &c. as ſhall not chuſe to exchange them, ſhall comply with the Directions preſcribed in receiving Intereſt.

VIII. *Sect.* 4.

All Poſſeſſors of Notes, &c. ſhall receive the Intereſt on producing the Notes, &c.

VIII. *Sect.* 4. *And be it Enacted*, That all Poſſeſſors of Notes and Warrants on the Treaſury bearing Intereſt, ſhall receive the Intereſt due thereon, on their producing to the Treaſurer ſuch Note or Warrant, any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Notes brought to the Treaſury for which new Notes are given to be chancell'd as directed by *Act. Geo.* 3. *cap.* 1. and the new Notes counter ſign'd.

IX. *Sect.* 5. *And be it alſo Enacted*, That all Notes or Warrants brought to the Treaſury as aforeſaid, and for which new Notes or Receipts ſhall be given in Purſuance of this Act, ſhall be cancelled as is directed by the 13. *Geo.* 3. *Ch.* 1. and the new Notes ſhall be counterſigned in Manner therein-mentioned.

CAP. II.

An ACT for the rating and levying the Expences attending the executing Writs of Partition.

Preamble.

WHEREAS Difficulties may ariſe in the Recovery of the Charges and Expences attending the executing Writs of Partition, unleſs the ſame is enforced by Law;

All Accounts of charges on obtaining writs of partition to be laid before the Supreme Court, and when approved, two or more aſſeſſors to be appointed.

I. *Be it Enacted, by the Governor, Council and Aſſembly*, That all Accounts of Charges and Expences, which have already ariſen, or which may hereafter ariſe, for the obtaining and executing Writs of Partition for the Diviſion of Lands in any Townſhip or Place in this Province, until final Judgment thereon, together with the Charges for Surveying the ſaid Lands, and all other incident Expences relative thereto, ſhall be laid before his Majeſty's Supreme Court, and when the ſame ſhall have been approved by the ſaid Court, two or more proper Perſons ſhall be appointed by the Court to aſſeſs the Amount thereof, in due Proportion on each ſeveral Share allotted and aſſigned to each and every Proprietor, and be levied out of the Profits and other extendible Goods and Chattels thereon, or belonging to ſuch Proprietor or Perſon in Poſſeſſion of the ſame, or any Part thereof, and ſhall be paid to the Perſon or Perſons appointed by the Court to receive the ſame.

amount to be levied out of the profits &c. of Proprietor or perſon in poſſeſſion of lands, and paid to perſon appointed by the Court.

If Proprietor or perſon in poſſeſſion refuſes or neglects to pay ſum aſſeſs'd, the ſame may be levied by diſtreſs.

II. *And be it Enacted*, That if any Proprietor or other Perſon in Poſſeſſion of any Land allotted and aſſigned as aforeſaid, ſhall refuſe or neglect to pay the Sum aſſeſſed as his Dividend or Proportion of the Charges aforeſaid; It ſhall and may be lawful for any one of his Majeſty's Juſtices of the Peace, on Complaint of the Receiver appointed as aforeſaid, to iſſue a Warrant of Diſtreſs and Sale of the Delinquent's Goods and Chattels for the Recovery of the Sum ſo aſſeſſed with the Charges of Proſecution.

III. *And*

III. *And be it alſo Enacted*, That in Caſe no Perſon be reſident on any Lands allotted and aſſigned as aforeſaid, nor any Goods and Chattels thereon, whereby the Sum due as aforeſaid may be levied, it ſhall and may be lawful for any one of his Majeſty's Juſtices of the Peace to let out any Part of ſuch Delinquents Lands as may be ſufficient to pay, by the Produce of the ſame, any ſuch Dividend, Proportion or Charge ſo due, and in caſe no Perſon ſhall offer to hire the ſame, ſuch Lands ſhall be held chargeable therewith.

In caſe no perſon reſident on lands no goods or chattels thereon whereby aſſeſſment may be levied, the lands to be let or held chargeable.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Sixth Day of *June*, *Anno Domini* 1770, in the Tenth Year of the Reign of our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Sixth Day of *October*, 1774, in the Fourteenth Year of His ſaid Majeſty's Reign; being the Fifth Seſſion of the Fifth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An Act to prevent Waſte and Deſtruction of Pine or other Timber Trees, on certain reſerved and ungranted Lands in this Province.

WHEREAS *His Majeſty has been pleaſed to reſerve, and ſet apart ſeveral Tracts of Land within this Province, for the ſpecial Purpoſe of ſecuring to the Crown, a Perpetual Fund for the Supply of Maſts, and Ship Timber for the Royal Navy, particularly all thoſe Lands on* St. John's River *above the preſent Settlements, and the Iſland of* Cape Breton. Preamble.

In Order therefore, that the ſame be effectually ſecured againſt any Waſte or Treſpaſs.

If any Perſon ſpoil, cut down or deſtroy &c. any Pines or other Timber growing on reſerv'd and ungranted Lands, or carry off any Timber.

I. *Be it Enacted, by the Governor, Council and Aſſembly*, That if any Perſon ſhall ſpoil, cut down, or any otherwiſe injure, or deſtroy any Pines of any Dimenſions whatever, or any other Timber Trees, growing on the afore-recited reſerved and ungranted Lands, or ſhall cauſe the ſame to be done, or ſhall cut down, or carry off any Tree fit for a Maſt, from the ſaid Premiſes for every Tree ſo cut or carried off, and for each and every Offence, or without having firſt obtained a Licenſe therefor, from the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, certifying that the ſaid Pine Trees, and Timber ſo to be cut, are for the ſole Uſe of His Majeſty and for no other Purpoſe. All ſuch Perſons being duly convicted of the Waſte and Treſpaſs aforeſaid, he or they ſhall forfeit and pay to His Majeſty a Fine not exceeding One Hundred Pounds on due Conviction thereof, before any of His Majeſty's Courts of Record, in any County within this Province, by Action of Debt, Bill, Plaint, or Information, one Half of the ſaid Fine to be paid to the Informer, the other Half to His Majeſty for the Uſe of the Province.

unleſs by Licenſe from the Governor certifying that the ſame is for his Majeſty's uſe.

Such Perſon being convicted thereof.

ſhall pay a Fine not exceeding £100. to be recover'd in any Court of Record.

Offender unable to pay Fine ſhall be impriſoned Six Months.

II. *And be it further Enacted*, That if ſuch Offender on due Conviction, ſhall be unable to pay ſuch Fine, that it ſhall and may be lawful for ſuch Court, before which the Conviction ſhall be made to impriſon ſuch Offender, for the Space of Six Months without Bail or Mainprize.

without Bail.

If any Perſon ſhall purpoſely and maliciouſly ſet fire to any place within the limits of reſerved and ungranted Territories, and thereby deſtroy Timber, &c. on Conviction ſhall ſuffer as a Felon.

III. *And Whereas the ſetting fire to any Wood Lands, is often attended with great Deſtruction of Timber Trees and otherwiſe deſtroys and prevents their Growth*; *Be it Enacted, by the Authority aforeſaid.* That if any Perſon ſhall purpoſely & maliciouſly ſet fire to any Places within the Limits of the aforeſaid reſerved & ungranted Territories, and thereby deſtroy any of the young Growth, or Timber Trees thereon, upon due Conviction before his Majeſty's Supreme Court, Court of Aſſize and General Goal Delivery, ſuch Crime ſhall be adjudged Felony, and ſuch Perſon ſo convicted ſhall ſuffer as a Felon.

This Act not to extend to Firewood & underwood uſed in the Fiſhery and within half Mile of Sea Shore.

IV. *Provided*, That nothing in this Act ſhall be conſtrued to extend to ſuch Fire Wood and underwood as is commonly uſed in the Fiſhery, and ſhall be within Half a Mile of the Sea Shore.

Perſons inhabiting the Iſland of *Cape Breton* and ſuch as are employed in the Fiſhery may cut down and uſe ſuch wood as ſhall be neceſſary for Fuel and the Fiſhery.

V. 15. *Geo.* 3. *Ch.* 1. *Sect.* 2. *Be it Enacted, by the Governor, Council and Aſſembly*, That any Perſon or Perſons inhabiting the Iſland of *Cape Breton* and ſuch as are employed in and about the Fiſhery may cut down and uſe ſuch Wood as ſhall be neceſſary for Fuel and the Purpoſes of the Fiſhery, & ſuch Perſons ſhall not be liable to the Penalties of any former Act, altho' it ſhould be beyond the line therein preſcribed, any Thing to the contrary in ſaid Act notwithſtanding.

CAP. II.

An Act for admitting Depoſitions *de bene eſſe*, of Witneſſes aged, Infirm, and otherwiſe unable to travel, and of Witneſſes departing from the Province.

BE it Enacted, *by the Governor, Council and Aſſembly*, That when it ſhall ſo happen that any of the Witneſſes which ſhall be judged neceſſary to be produced on the Trial of any Cauſe between Party and Party, ſhall be infirm, aged, or otherwiſe unable to travel, or when any ſuch Witneſs or Evidence is obliged to leave the Province, it ſhall and may be lawful for any One of the Judges of the Court where the Cauſe is to be tried, on due Notice given to the adverſe Party to be preſent (if he ſees fit) to take the Depoſition of ſuch Infirm or aged Perſon, or Perſons unable to travel, or who is obliged to leave the Province, and ſuch Depoſitions ſo taken and certified under the Hand and Seal of the ſaid Judge and ſealed up, and directed to ſuch Court, ſhall be received as legal Evidence in ſuch Cauſe.

When it ſhall happen that Witneſſes in a Cauſe are infirm, aged or unable to travel, or obliged to leave the Province.

One of the Judges on due Notice given to adverſe Party may take the Depoſition of ſuch Witneſſes, which ſhall be Sealed up and directed to the Court where Cauſe is to be tried.

II. *Provided*, That Proof be made on Oath, that due Notice was given to the adverſe Party of the Time and Place of taking ſuch Depoſitions.

Oath to be made of Notice given to adverſe Party.

III. *And provided neverthelefs*, That if ſuch Witneſſes ſhall at the Time of the Trial of the Cauſe, be in the Province, or able to travel, they ſhall be required to give their Teſtimony *viva voce*, at ſuch Trial, in the ſame Manner, as if ſuch Depoſitions had not been taken.

If ſuch Witneſs is in the Province or able to travel teſtimony *viva voce* required.

IV. *Provided alſo*, That all Benefit of Exceptions to the Credit of ſuch Deponents ſhall be reſerved in the ſame Manner as on producing Witneſſes for Examination, *viva voce*, at the Trial.

Saving benefit of exceptions to the Credit of ſuch Witneſſes.

V. *And be it Enacted*, That every Perſon of the Profeſſion of the People called Quakers, who ſhall be required to take an Oath as aforeſaid, ſhall inſtead of an Oath be permitted to make his or her Solemn Affirmation.

Quakers allowed to make Affirmation.

VI. *And be it alſo Enacted*, That every Perſon who ſhall have made ſuch Oath or Solemn Affirmation, and ſhall be convicted of wilfully, falſely and corruptly having ſworn or affirmed any thing, ſhall incur the ſame Penalties as Perſons convicted of wilful and corrupt Perjury.

Perſons convicted of Swearing or affirming falſely to incur Penalties as for perjury.

CAP. III.

An Act for puniſhing Rogues, Vagabonds, and other idle and diſorderly Perſons.

Act 7th, Geo. 2. cap. 5.

All Soldiers belonging to his Majeſty's Troops Seamen or Mariners belonging to his Majeſty's Ships or Veſſels not having a Paſs from their Commanding Officer.

All idle and wandering Perſons not having a Paſs from a Juſtice of Peace,

ſhall be deemed idle and diſorderly Perſons.

All Perſons who run away or threaten to run away and leave their Wives, &c. on any Townſhip, or Perſons unlawfully returning to Places from whence they have been removed, and other idle Perſons, and Perſons begging Alms, deemed idle and diſorderly Perſons, and ſhall be committed to Priſon or Houſe of Correction.

Lawful for any Perſon to apprehend Offenders.

If Conſtable or other ſuch Officer refuſe or neglect to apprehend them deemed a neglect of Duty and puniſhed. If any Perſon being charged by a Juſtice where no Officer can be found refuſe or neglect to apprehend ſuch Offender to forfeit 10s.

BE it *Enacted, by the Governor, Council and Aſſembly*, That all Soldiers belonging to His Majeſty's Troops in this Province, or Seamen or Mariners belonging to any of His Majeſty's Ships or Veſſels, who ſhall be travelling or wandering within the ſaid Province, and ſhall not have a Paſs from the Commanding Officer of the Regiment, Company or Ship or Veſſel, to which they belong; and all idle and wandering Perſons, who ſhall not have a Paſs, or Teſtimonial from ſome Juſtice of the Peace, ſetting forth, the Place from whence ſuch Soldier, Seamen or Mariner, or ſuch other idle and wandering Perſon ſhall have come, and the Place to which they are to paſs; every ſuch Soldier, Mariner or Seamen or other Perſon, ſhall be deemed idle and diſorderly Perſons, and ſhall be proceeded againſt, as is herein after directed.

II. *And be it alſo Enacted*, That all Perſons who run away, or threaten to run away, and leave their Wives or Children upon any Townſhip, and all Perſons who unlawfully return to ſuch Townſhip, or Place from whence they have been legally removed by order of two Juſtices of the Peace, without bringing a Certificate from the Townſhip whereunto they belong, and all Perſons who not having wherewith to maintain themſelves, live idle and refuſe to work for the uſual Wages, and all Perſons going about to beg Alms, ſhall be deemed idle and diſorderly Perſons; and it ſhall be lawful for any Juſtice of Peace to commit ſuch Offenders (being convicted by his own View or by Confeſſion, or by the Oath of one credible Witneſs) to priſon, or to the Houſe of Correction, there to be kept to hard Labour for any Time, not exceeding one Month.

III. *And be it alſo further Enacted*, That it ſhall be lawful for any Perſon to apprehend Offenders againſt this Act, and convey to ſome Juſtice of Peace, the Perſons ſo apprehended, to be proceeded againſt as is herein after directed, and in Caſe any Conſtable or other ſuch Officer refuſe or neglect to uſe his beſt Endeavours to apprehend or convey to the ſame Juſtice any ſuch Offender, it ſhall be deemed a Neglect of Duty, and he ſhall be puniſhed as is herein after directed; and in Caſe any other Perſon charged by any Juſtice ſo to do, refuſe or neglect to uſe his beſt Endeavours to apprehend and deliver to the Conſtable, or ſuch other Officer, or to carry ſuch Offender before ſome Juſtice, where no Officer can be found, being convicted upon View, or by the Oath of one Witneſs before a Juſtice, he ſhall forfeit Ten Shillings to the Uſe of the Poor of the Townſhip, to be levied

levied by Diſtreſs and Sale of Goods by Warrant from any Juſtice, and in Caſe any Perſon not being a Conſtable or Officer, apprehend any Deſerter or idle wandering Servant, or other Perſon, and deliver him to a Conſtable or convey him to a Juſtice, or if any Conſtable ſo apprehend and convey ſuch Deſerter or idle wandering Servant, or other Perſon, it ſhall be lawful for ſuch Juſtice to reward any ſuch Conſtable or other Perſon, by making an Order under his Hand and Seal on the Treaſurer of the County to pay Ten ſhilling to the Perſon ſo apprehending him on producing ſuch Order and giving a Receipt, and the Juſtices at the *General Seſſions*, ſhall allow the ſame to ſuch Treaſurer in his Accounts, upon his producing the Vouchers aforeſaid.

If any Perſon not being a Conſtable apprehend Deſerters or idle wandering Servants, &c. and deliver him to Conſtable or convey to a Juſtice; or Conſtable ſo apprehend ſuch Deſerter &c.—to be rewarded by ſuch Juſtice.

IV. *And be it Enacted*, That any One or more Juſtices of the Peace on receiving Information, that Deſerters or any idle and diſorderly Perſons are in any Place within his or their Juriſdiction, ſhall iſſue his or their Warrant to the Conſtables to ſearch for and apprehend ſuch Deſerters or idle and diſorderly Perſons, and in Caſe any Perſon apprehended upon any ſuch Search be charged before ſuch Juſtice or Juſtices with being a Deſerter from His Majeſty's Navy, or Army, or an idle and diſorderly Perſon, or with Suſpicion of Felony (altho' no direct Proof be then made thereof) to examine ſuch Perſon, not only as to the Place from whence he came, and where he was laſt legally ſettled, but alſo, as to his Manner of livelihood, the Subſtance of which Examination ſhall be put in Writing and be ſigned by the Perſon ſo examined, and the ſaid Juſtice or Juſtices ſhall ſign the ſame and tranſmit it to the next *General Seſſions of the Peace* for the County, or *Special Seſſions* for the Diſtrict where ſuch Juſtice or Juſtices reſide, to be filed and kept on Record, and if ſuch Perſon ſhould not make it appear to ſuch Juſtice or Juſtices, that he is not a Deſerter, and that he has a lawful Way of getting his Livelihood by Labour or otherwiſe, or procure not ſome reſponſible Houſe-keeper to appear to his Character, and give Security for his Appearance before ſuch Juſtice or Juſtices, at ſome other Day (in Caſe the ſame be required) ſaid Juſtice or Juſtices ſhall commit ſuch Perſon to ſome Priſon or Houſe of Correction for any Time not exceeding Fourteen Days, and in the mean Time to order the Overſeers of the Poor of the Townſhip or Place, in which ſuch Perſon is apprehended, to inſert Advertiſement in the public News Paper, deſcribing ſuch ſuſpicious Perſon, and any Thing found upon him or in his Cuſtody, and which he is ſuſpected not to have come honeſtly by, and mentioning the Place to which ſuch Perſon is committed, and ſpecifying when and where ſuch Perſon is to be again brought before the ſaid Juſtice or Juſtices to be examined, and if no Accuſation be then laid againſt him, ſuch Perſon ſhall be diſcharged, or otherwiſe dealt with according to law.

Juſtices receiving information that Deſerters or idle Perſons are in any Place within their Juriſdiction ſhall iſſue a Warrant for a Search.

Proceedings in regard to Perſons apprehended.

Penalty on Officers not doing their duty,

and on Perſons hindering the execution of this Act or reſcuing Priſoners.

V. *And be it alſo further Enacted*, That if any Conſtable or other Officer, or Maſter of any Houſe of Correction be negligent in his Duty in the Execution of this Act, or in Caſe any Perſon diſturb the Execution of this Act, or reſcue any Perſon apprehended or paſſing by Virtue thereof, or be aſſiſting to his or her Eſcape, and be convicted thereof upon the Oath of one credible Witneſs before one Juſtice of the Peace, where ſuch offence is committed, the Perſon ſo offending, for every ſuch Offence, ſhall forfeit any Sum not exceeding *Five Pounds*, nor leſs than *Ten Shillings*, to the Uſe of the Poor of the Townſhip, to be levied by Diſtreſs and Sale of the Offenders Goods, by warrant from ſuch Juſtice, and if ſufficient Diſtreſs cannot be found, it ſhall be lawful for ſuch Juſtice to commit the Perſons ſo offending to Priſon, or to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding two Months.

to be levied by Diſtreſs and Sale, &c.

Penalty for ſheltering Deſerters, &c.

VI. *And be it Enacted*, That if any Perſon ſhall knowingly permit any Deſerter or idle and wandering ſervant or Vagabond to lodge in his or her Houſe, Barn or other Outhouſe or Buildings, and ſhall not apprehend and carry ſuch Deſerter or idle Servant or Vagabond before ſome Juſtice, or give Notice to ſome Conſtable or other Officer ſo to do, ſuch Perſon being thereof convicted, either on Confeſſion or upon Oath of one credible Witneſs, before a Juſtice where ſuch offence is committed, ſhall forfeit any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings, one Moiety to the Informer, and the other Moiety to the Poor of the Townſhip, to be levied by Diſtreſs and Sale of Goods by Warrant from ſuch Juſtice, and if any Charge be brought upon any Townſhip or Place by Means of any ſuch Offence, the ſame ſhall be anſwered to the ſaid Townſhip by ſuch Offender, and be levied by Diſtreſs and Sale of goods, and if ſufficient Diſtreſs cannot be found, ſuch Offender ſhall be committed to priſon or to the Houſe of Correction by the Juſtice for any Time, not exceeding one Month.

Provided, That any Perſon who ſhall have been proſecuted and fined on the Act of Parliament for concealing or harbouring Deſerters ſhall not be again proſecuted for the ſame, on this Act.

Lunatics to be confined by Warrant of Juſtices.

VII. *And be it alſo Enacted*, That where Perſons by Lunacy or otherwiſe, are furiouſly mad, and dangerous to be permitted to go abroad, it ſhall be lawfull for two Juſtices where ſuch Lunatic is found, by Warrant directed to the Conſtables, Church Wardens and Overſeers of the Poor of the Townſhip or Place, to Cauſe ſuch Perſon to be apprehended, and kept ſafely locked up in ſome ſecure Place within the County, as ſuch Juſtices direct, and if ſuch Juſtices find it neceſſary to be there chained, if the laſt legal Settlement of ſuch Perſon be in any Place within ſuch County, and if ſuch Settlement be not there, ſuch Perſon ſhall be ſent to the Place of his laſt legal

legal Settlement by a paſs, and ſhall be locked up and chained by Warrant of two Juſtices of the County to which ſuch Perſon is to be ſent, and the Charges of removing and maintaining and curing ſuch Perſon during ſuch reſtraint (which ſhall be for ſuch Time only as ſuch Madneſs continues) ſhall be paid, being firſt proved upon Oath, by Order of two Juſtices directing the Church Wardens or Overſeers of the Poor, where any Goods, Lands or Tenements of ſuch Perſon be, to ſeize and ſell ſo much of the Goods or receive ſo much of the Rents of the Lands as is neceſſary to pay the ſame, and to account for what is ſo ſeized, ſold or received to the next *Seſſions of the Peace*; but if ſuch Perſon hath not an Eſtate to pay the ſame over and above what is ſufficient to maintain his or her Family, then ſuch Charge ſhall be paid by the Townſhip or place to which ſuch Perſon belongs, by Order of two Juſtices, directed to the Church Wardens or Overſeers.

Goods & Eſtates of Lunatics to be ſeized to pay the Charge of their maintenance.

Otherwiſe at the Charge of the Townſhip or Place.

VIII. *Provided*, That nothing herein contained, ſhall extend or be conſtrued to extend to abridge the prerogative of his Majeſty, or of the Chancellor, concerning ſuch Lunatics, or reſtrain any Friend or Relation of ſuch Lunatics from taking them under their own Care.

Proviſo.

IX. *And be it alſo further Enacted*, That if any Perſon or Perſons ſhall be ſued for any Matter or thing, which he or they ſhall do in Execution of this Act, he or they may plead the General iſſue, and give the ſpecial Matter in Evidence, and if a Verdict ſhall paſs for the Defendant or the Plaintiff ſhall be non ſuited, or diſcontinued his Suit, the Defendant may recover treble Coſts.

Perſons ſued for any thing done in execution of this Act may plead general iſſue.

Treble Coſts recovered.

CAP. IV.

An Act to impower the Supreme Court to iſſue Writs of Certiorari.

BE it *Enacted by the Governor, Council and Aſſembly*, That the Supreme Court for this Province ſhall and may upon Application, iſſue Writs of Certiorari for removing Orders of Seſſions of the Peace, under ſuch Regulations, Reſtrictions and Powers, as Writts of Certiorari are iſſued by His Majeſty's Court of King's-Bench in *Great-Britain*, and conformable to the Courſe and practiſe of the Common Law, and the ſeveral Statutes for that Purpoſe made and provided.

Supreme Court may on application iſſue Writs of Certiorari for removing Orders of Seſſions of the Peace.

At

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Sixth Day of *June*, *Anno Domini* 1770, in the *Tenth Year* of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Fifteenth Day of *June*, 1776, in the Sixteenth Year of His ſaid Majeſty's Reign, being the Fifth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An Act for taking, examining, and ſtating the public Accounts of this Province.

All Accounts of the Receipts of Monies ariſing from any Duty, &c.

and the Accounts of the iſſuing of all Money which ſhall come into the Treaſury to be laid before the *General-Aſſembly* for Examination, &c. and ſuch Approbation & Allowances to be a Diſcharge and Bar againſt any Action.

BE it Enacted by the *Lieutenant-Governor*, *Council and Aſſembly*, That all Accounts of the Receipt of any Monies ariſing from any Duty or Taxes granted and raiſed, and that hereafter ſhall be granted and raiſed by the *General-Aſſembly*, for and towards the Support of Government or otherwiſe, and the Accounts of the iſſuing and Diſpoſal of all ſuch Monies as have, or ſhall come into the Treaſury by any Ways or Means whatſoever ſhall be laid before the *General-Aſſembly* at the ſeveral Seſſions held from Time to Time, for their Examination, Approbation and Allowance, in ſuch Manner as to the *General-Aſſembly* ſhall be judged proper; and all ſuch Approbations and Allowances of the *General-Aſſembly* heretofore, or that hereafter ſhall be paſſed, ſhall be to the ſeveral Collectors or Receivers of the Duties, Treaſurers, and other Perſons concerned, a full and final Diſcharge, and be a Bar againſt any Action, which may be brought for any Sum or Sums of Money againſt any of the Perſons aforeſaid.

Proviſo.

II. *Provided*, That all Monies ariſing by the Operations of any Revenue Act or Acts of this Province, ſhall be accounted for unto his Majeſty in the Kingdom of *Great-Britain*, and to the Commiſſioners of his Majeſty's Treaſury, or High Treaſurer for the Time being, and audited

audited by the Auditor General of his Majeſty's Plantations or his Deputy.

III. *And whereas great Inconveniencies have ariſen by Perſons having Demands or pretend to have demand on this Government, and who do not bring in their Accounts for along Time after the ſame became due, or was ſaid to become due, and that thro' Length of Time, or the Death or Abſence of Perſons, the Poſſibility of detecting Frauds is prevented, by Means of which the Province has been, and may be greatly injured, For Remedy whereof;*

Perſons having Demands againſt Government before 1ſt June, 1776, or hereafter have any Demands, to bring in the ſame before the next Seſſion of the *General Aſſembly*, or within firſt Week of ſaid Seſſion to be examined, &c. by a Committee of Council & *Houſe of Aſſembly*. and ſo from Time to Time.

Be it Enacted, That all Perſons having Claims or Demands againſt this Government, either for Work done, Goods ſupplied, or Services of any Kind, which may have become due, or owing to them before the Firſt Day of *June* Inſtant, or who may hereafter have any Demands as aforeſaid, ſhall bring in the ſame before the next Seſſion of the *General-Aſſembly* or within the Firſt Week of the ſaid Seſſion, to be examined and audited by a Committee of Council, and of the *Houſe of Aſſembly*, and in like Manner all Accounts of ſuch Demands, ſhall from Time to Time be brought in either before, or within the firſt Week of each Seſſion of the *General-Aſſembly* thereafter.

No Accounts to be admitted or paid by the Treaſurer if not brought in within the Times limitted by this Act.

IV. *And be it alſo Enacted*, That no ſuch Accounts ſhall be admitted, or paid by the Treaſurer of the Province, where the ſame ſhall not have been brought in, within the Times limitted by this Act.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *Sixth* Day of *June*, *Anno Domini* 1770, in the Tenth Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France* and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Sixth Day of *June*, 1777, in the Seventeenth Year of His ſaid Majeſty's Reign; being the Fifth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An Act to avoid the double Payment of Debts.

Preamble.

WHEREAS *divers Men of Trades and Handicraftsmen keeping Shop Books, do demand Debts of their Cuſtomers upon their Shop Books long Time after the ſame hath been due, and when as they have ſuppoſed the Particulars and Certainty of the Wares delivered to be forgotten, then either they themſelves or their Servants have inſerted into their ſaid Shop Books divers other Wares ſuppoſed to be delivered to the ſame Parties or to their Uſe, which in Truth never were delivered, and this of Purpoſe to increaſe by ſuch undue Means the ſaid Debt. And whereas divers of ſaid Tradeſmen and Handicraftsmen having received all the juſt Debt due upon their ſaid Shop Books, do often times leave the ſame Books uncroſſed, or any way diſcharged, ſo as the Debtors, their Executors or Adminiſtrators are often by Suit of Law enforced to pay the ſame Debts again, to the Party, that truſted the ſaid Wares, or to his Executors or Adminiſtrators, unleſs he or they can produce ſufficient Proof by Writing or Witneſſes, of the ſaid Payment, that may countervail the Credit of the ſaid Shop Books, which few or none can do in any long Time after the ſaid Payment.*

No Tradeſman &c. from the 1ſt *January* 1778, allowed to

I. *Be it therefore Enacted by the Governor, Council and Aſſembly*, That no Tradeſman or Handicraftsmen keeping a Shoop Book *as is aforeſaid*, his or their Executors or Adminiſtrators ſhall from the firſt Day of

of *January* 1772, be allowed, admitted or received to give his Shop Book in Evidence in any action for any Money due for Wares hereafter to be delivered, or for Work hereafter to be done, above two Years before the ſame Action brought, except he or they, their Executors or Adminiſtrators, ſhall have obtained or gotten a Bill of Debt or obligation of the Debtor for the ſaid Debt, or ſhall have brought or purſued againſt the ſaid Debtor, his Executors or Adminiſtrators ſome Action for the ſaid Debt, Wares or Work done, two Years next after the ſame Wares delivered, Money due for Wares delivered or Work done.

give his Shop Book in evidence, when Debt above Two Years.

Exception.

II. *Provided always*, that this Act or any Thing therein contained, ſhall not extend to any Intercourſe of Traffic, Merchandizing, Buying, ſelling, or other trading, or dealing for Wares delivered, or to be delivered, Money due or work done, or to be done, between Merchant and Merchant, Merchant and Tradeſman, or between Tradeſman and Tradeſman, for any Thing directly falling within the Circuit or Compaſs of their mutual Trades and Merchandize, but that for ſuch Things only, they and every of them ſhall be in Caſe, as if this Act had never been made, any Thing herein contained to the contrary thereof notwithſtanding.

Not to extend to any Trading or dealing between Merchant and Merchant &c.

At

At the GENERAL-ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at *Halifax*, on the Sixth Day of *June*, *Anno Domini* 1770, in the Tenth Year of the Reign of our Sovereign Lord GEORGE the Third, of *Great-Britain*, *France* and *Ireland*, King, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Sixth Day of *June*, *Anno Domini* 1778, in the Eighteenth Year of his ſaid Majeſty's Reign, being the Fifth *General-Aſſembly* convened in the ſaid Province.

CAP. I.

An Act for the more ſpeedy ſettling the Value of ſuch Lands, as are, or ſhall be wanting to erect Fortifications or other military Uſes.

Preamble.

WHEREAS *it may be neceſſary to erect Fortifications for the Defence of this Province, and it may happen to be in ſuch Places where the Lands are owned and poſſeſſed by ſome of his Majeſty's Subjects, either in their own Right, or as Minors or otherwiſe: In order therefore, that ſuch Perſons may have an adequate Satisfaction, and the Lands be properly veſted in the Crown*;

When Lands are wanted for to Erect Fortifications or other Military Uſes. The commanding Officer or proprietor of ſuch Lands to apply to Governrs, &c.

I. *Be it Enacted, by the Lieutenant Governor, Council and Aſſembly*, That when the Commander in Chief of His Majeſty's Troops here, ſhall judge it neceſſary that certain Lands ſhould be made Uſe of to erect Fortifications or other Military Uſes, and when the Commander in Chief aforeſaid, or in Caſe of his Neglect the Proprietor of the Lands ſhall make Application to the Governor, Lieutenant Governor, or Commander in Chief of this Province, for the time being, who is hereby deſired and authorized to appoint a Special Court for that Purpoſe, that is to ſay, if the Lands lie in the County of *Halifax*, to be held by the *Supreme Court* of this Province, and if in any other County by the Inferior *Court* of *Common Pleas* for the County where ſuch land ſhall lie.

Who is authorized to appoint a *Special Court*. If lands lie at *Halifax* inquiry to be by Supreme Court and in any other County by inferior Court.

II. *And*

II. *And be it further Enacted*, That ſuch Courts upon due Appointment ſhall iſſue out their Precept in the common Form directed to the Sheriff or his Deputy, to ſummon a Jury of Twenty four good and lawfull Men, Freeholders, from the Town or Precinct neareſt to which the Lands ſhall lie, to meet at ſuch Time and Place as the Judges ſhall direct by their Precept aforeſaid, who ſhall then and there duely be ſworn to eſtimate and appraiſe the ſame.

Such Court to iſſue precept for Summoning a jury of 24 freeholders who ſhall meet at ſuch time and place as the judges ſhall direct.
and be ſworn to Eſtimate & appraiſe the ſame.

III. *And be it Enacted*, That the Jury thus ſworn, ſhall view the Premiſſes ſo demanded, and in their Verdict ſhall preſcribe the Meets and Bounds, as alſo the Quantity, to whom the lands belong, and what is the real Value thereof, in diſtinct Parcells, according to the number of Proprietors, and ſhall return their Verdict in writing under their Hands and Seals to which at leaſt Twelve ſhall Sign their Names, and ſuch Verdict being entered by Order of the Judges with the Clerk of the Court, thence forward ſhall become a Record of ſaid Court.

Jury to view the premiſſes and deſcribe meets and bounds and quantity of lands with the value thereof, Verdict to be return'd under their hands and Seals, and be enter'd with the clerk of court.

IV. *And be it further Enacted*, That the ſaid Monies ſo aſcertained by the ſaid Verdict being paid to the Proprietors named in ſaid Verdict, reſpectively or on their refuſal to accept the ſame ſuch Monies ſhall be lodged in ſaid Court for their Uſe, or if Minors or others diſabled by Law to receive the ſame, it ſhall be paid to their Guardians or legal Repreſentatives to be by them diſpoſed of agreable to the Laws of this Province, and the ſaid Lands ſhall thereupon be veſted in His Majeſty, His Heirs and Succeſſors for Ever: and ſuch Record ſhall be a ſufficient Bar in Law againſt any Action brought by any of the Proprietors of ſuch Lands, their Heirs or Aſſigns for Treſpaſs or for Recovery of the ſame.

on the monies ſo aſcertained by the verdict being paid to proprietor &c. or on refuſal to accept the ſame in Court.
ſaid lands to be veſted in his Majeſty &c.

V. *And be it alſo further Enacted*, That all Lands heretofore taken upon up for ſuch Uſe, whoſe Value has not yet been aſcertained may be proceeded on agreable to this Act.

All lands heretofore taken for ſuch uſe to be proceeded on agreable to this Act.

VI. *And be it Enacted*, That if the Sheriff or his Deputy ſhall refuſe or neglect to ſummon a Jury as aforeſaid, he or they ſhall forfeit and pay the Sum of Twenty Pounds for every ſuch Neglect, or in Caſe any of the Jury being duly ſummond ſhall not attend, or ſhall refuſe to be ſworn, he or they ſhall forfeit and pay the Sum of Five pounds each, for ſuch Neglect or Refuſal, and the Judges of the ſaid Courts reſpectively may Order the ſame to be levied by Warrant, of Diſtreſs and Sale of the Offender's Goods.

If Sheriff or deputy ſhall refuſe to Summon jury to forfeit £20.
and if any of the jury Summoned do not attend &c. to forfeit £5.

CAP. II.

An Act to impower the Governor Lieutenant, Governor or Commander in Chief, to appoint Sheriffs in such Counties where it may be found necessary.

Preamble.

WHEREAS *at the Time of the Appointment of a Provoſt Marſhall for the Province, no civil Eſtabliſhment had taken Place, and the Number of Inhabitants were very few and confined within a ſmall Compaſs, and Whereas ſince that Period, by the great Encreaſe and Extenſion of the Inhabitants it was of late Years found expedient to divide the Province into Counties, ſeveral of which are remote from the Metropolis, whereby great Inconveniences are daily felt by the want of Sheriffs in each County.*

The chief Juſtice of the Supreme court, or in his abſence any other judge of ſaid court, every year to nominate three perſons and preſent liſt to Governor &c. who is to prick out one to ſerve the office of Sheriff,

II. *Be it therefore Enacted by the Lieutenant Governor, Council and Aſſembly*, That it ſhall and may be lawful for the Chief Juſtice of his Majeſty's *Supreme Court*, or in his Abſence for any other Judge of the ſaid Court, once in every Year, *that is to ſay*, on the laſt Day of Michaelmas term annually, to nominate three proper & fit Perſons to be made high Sheriffs for each County in the Province, a Liſt of which they are hereby directed to preſent to the Governor, Lieutenant Governor, or Commander in Chief, for the time being, who is hereby impowered immediately to prick one out of the ſaid Number for each County to ſerve the Office of High Sheriff for the enſuing year, which Sheriff being reſident in his proper County, ſhall immediately upon his receiving his Patent, & having entered good & ſufficient Security for the faithfull Execution of his Office in the Secretary's Office for the Province, be fully inveſted with all the powers and Authorities of a High Sheriff, and ſhall be ſubject to all ſuch Laws, Cuſtoms, Ordinances, Regulations, and Directions as the High Sheriff in the ſeveral Counties in the Kingdom of England are ſubject, and ſhall alſo be ſubject to all ſuch Acts of this Province, which in any way or Manner relate to the Execution of the Office of a Provoſt Marſhall, and be intitled to the ſame Fees as are Eſtabliſhed by Law for the Provoſt Marſhall.

ſaid Sheriff to give ſecurity and be inveſted with

the powers and authority of a high Sheriff and be ſubject to all ſuch Laws &c. of England & of this Province.

Sheriff to render an account in two Months after the Expiration of their office upon oath of all fines &c.

III. *And be it further Enacted*, That the ſaid Sheriffs ſhall within two Months after the Expiration of their Office being duly Summoned by the Supreme Court render a juſt and true Account upon Oath to ſaid Court, of all ſuch Fines, Iſſues and Amerciaments which have been levied and received by them during the Continuance of their ſaid Office under a Penalty of Fifty Pounds for each and every Neglect.

IV. *And*

IV. *And be it alſo Enacted*, That when any Perſon or Perſons who ſhall be ſo appointed to execute the ſaid Office of High Sheriff, ſhall refuſe to accept the ſame, the Perſon or Perſons ſo refuſing ſhall be ſubject to a Fine of Fifty Pounds for ſuch his Refuſal, and upon ſuch Refuſal the Governor, Lieutenant Governor or Commander in Chief ſhall and may prick any other of the Number then remaining upon the Liſt ſo returned as aforeſaid.

Perſons appointed Sheriff refuſing to accept ſhall pay a fine of £50.

and Governor, &c. to Prick another.

V. *And be it alſo further Enacted*, That the Sheriff ſo appointed ſhall continue in Office until another ſhall be ſworn in his Stead.

Sheriff to continue in office till another is ſworn.

VI. *And be it Enacted*, That the ſeveral Fines and Forfeitures impoſed by his Act ſhall be recovered by Bill plaint or Information before the Supreme Court, and when recovered the ſame ſhall be paid to the Treaſurer of the Province for the Uſe and Service thereof.

Fines, &c. to be recovered before the Superior Court and paid to the Treaſurer of the Province.

VII. *Provided*, That nothing in this Act contained, ſhall be of any Effect until his Majeſty's Pleaſure therein ſhall be known.

This Act not to have Effect till his Majeſty's pleaſure is known.

CAP. III.

An Act for the more ſpeedy Recovery of His Majeſty's Debts within this Province.

Preamble.

WHEREAS the Manner of recovering His Majeſty's Debts hitherto uſed and practiſed, has been attended with great Inconvenience, and oftentimes with the total Loſs of ſuch Debts, thro' the Lenght of the Proceſs and otherwiſe.

I. *Be it Enacted, by the Lieutenant Governor, Council and Aſſembly*, That from and after the Publication of this Act, the Collectors of the public Money, in any Caſe where they are obliged to give Credit, according to the Laws of the Province, ſhall take ſuch Recognizances in the Name of our Sovereign Lord the King, to be paid to our ſaid Sovereign Lord the King, his Heirs, and Succeſſors, and to his and their Uſe only: and the ſaid Obligors ſhall at the ſame Time give a full and ſufficient Power of Attorney, either indorſed on the ſaid Recognizance or annexed thereto, impowering ſome one of the Attornies of the Court to confeſs, that ſuch Debt mentioned in the Condition of the Recognizance is juſtly due, and if the Obligor or Obligors ſhall pay and diſcharge the Money due at, or before the Time ſpecified in the ſaid Recognizance. That then it ſhall be lawful, and ſuch Collector is hereby required to diſcharge ſuch Recognizance, and the ſame ſhall become void.

In caſes where Collectors give credit for payment of Duties they ſhall take ſuch Recognizances in the name of the King,
and the obligors to execute a Warrant of Attorney,
for confeſſing ſuch debt to be due,
and if the obligor pay the money due at or before time ſpecified,
the Collector to diſcharge the Recognizance.

II. *And*

On no payment thereof. The Collector ſhall tranſmit the ſame to the Treaſurer of the Province.

II. *And be it further Enacted*, That if ſuch Recognizances ſhall not be paid and ſatisfied at the time ſpecified and mentioned therein, that then the Collectors or others who are impowered to take ſuch Recognizances ſhall forthwith tranſmit them to the Treaſurer of the Province by the firſt ſafe Conveyance.

The treaſurer upon receipt thereof ſhall proſecute the ſame in the Supreme Court.
no imparlance to be granted.
but judgment made up and Ex: iſſue action to be entered during the term. if in Vacation before the chief Juſtice or in his abſence before one other of the judges who ſhall order Judgment to be made up as of laſt term and Ex. to iſſue.

III. *And be it alſo further Enacted*, That the Treaſurer upon Receipt thereof ſhall cauſe the ſame to be Proſecuted in his Majeſty's *Supreme Court* at *Halifax*, and the Recognizance being duely filed, and the confeſſion of the Debt being acknowledged, no Imparlance ſhall be granted, but Judgment ſhall be made up thereupon, and Execution ſhall iſſue to levy the Debt upon the Goods, Chattels and Eſtate of the Debtor; and for the more ſpeedy recovering the ſame, the ſaid Action may be entered at any Time during the Term in which ſuch Court is held, or in any Time during the Vacancy of ſaid Terms, before the Chief Juſtice or in his abſence before either of the other Judges of the ſaid Court, who ſhall thereupon order Judgment to be made up as of the laſt Term and Execution to iſſue thereon.

Sheriff or Deputy upon receiving writ of Ex. ſhall levy the ſame within 60 days.

IV. *And be it further Enacted*, In order to prevent any delay of Juſtice, That the Sheriff, or his Deputy, upon his Receiving the Writ of Execution ſhall within Sixty Days from the Date thereof, cauſe the ſame to be duly levied, or otherwiſe ſhall make a legal Return thereof into Court, with his Doings thereon, upon Pain of anſwering for any Failure or Neglect agreable to the Laws in ſuch Caſes made and provided.

CAP. IV.

An Act to amend, render more Effectual, and reduce into one Act the ſeveral Acts made by the *General Aſſembly* of this Province concerning Bail.

In all cauſes where demand ſhall exceed £3 — attachment may be made on goods &c. or the Debtor arreſted impriſon'd or held to, Bail.
upon the plaintiff or his attorney making affidavit before a judge or in

BE it Enacted, *by the Lieutenant Governor, Council and Aſſembly*, That in all Cauſes where the Sum in demand ſhall exceed three Pounds, the Sheriff or Sheriff or his Deputy may arreſt, Impriſon or hold to Bail any Debtor or Debtors, or attach the Goods, Chattels or Eſtate of ſuch Debtor or Debtors, upon the Plaintiff in ſuch Actions his Attorney or Agent, making and Subſcribing an Affidavit in Writing before a Judge of the Court from whence ſuch Writ ſhall iſſue, or in the abſence of ſuch Judges, before any one of His Majeſty's Juſtices of the Peace, that the Defendant is juſtly indebted to the Plaintiff in any Sum

Sum exceeding three Pounds, which Affidavit ſhall be filled in the Office of the Clerk of the Court, from whence the writ ſhall iſſue, and the Sum Specified in ſuch Affidavit ſhall be Indorſed on the Back of the ſaid Writ in the Form following, by Oath for (in Words at length) for which Sum ſo indorſed, the Provoſt Marſhall, Sheriff, Coroner or their Deputies, ſhall take Bail or make Attachment as aforeſaid, and for no more; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

abſence of Judges before a Juſ. peace. affidavit to be filed with the Clerk of the court. ſum ſworn to indorſed on the writ.

II. *And be it further Enacted*, That if ſuch Action ſhall be brought by any Agent, Factor or Attorney, in the Name of his Principal, if abſent, upon producing an Affidavit of the Debt of his Principal duly authenticated, according to the Laws of England or the Uſage and Practice of the Plantations in ſuch Caſes, and upon the ſaid Affidavits being reſpectively filed, as aforeſaid, then the ſaid Judge, ſhall indorſe the Sum ſo ſworn to, and Bail ſhall be required or an Attachment be made accordingly.

If plaintiff be abſent, his attorney may file his affidavit. on which the like proceedings ſhall be had.

III. *And be it alſo further Enacted*, That when any Perſon or Perſons ſhall be arreſted by Virtue of any Writ or Original Proceſs, the Provoſt Marſhall, Sheriff, or his Deputy ſhall be obliged and are hereby reſpectively required, upon ſufficient Bail being offered, to let ſuch Defendant or Defendants go at large, upon his or their firſt executing a Bond with two ſufficient Sureties to the ſaid Provoſt Marſhall or Sheriff, with a Condition thereunder written for the perſonal Appearance only of the Defendant, on the firſt Day of the Court to which ſuch Writ is returnable, and if ſuch Defendant ſhall not appear accordingly, or give in ſufficient Bail to abide the final Event of the Suit, Judgment ſhall be entered againſt the Defendant by Default, and the Provoſt Marſhall or Sheriff, ſhall then and there in Court, upon the Requeſt of the Plaintiff or his Attorney, aſſign the Bail Bond by indorſing his Name thereon for the Benefit of the Plaintiff, to be in Suit or otherwiſe recover the Penalty thereof, which Aſſignment ſhall not Debar the Plaintiff from proceeding to final Judgment and Execution in the ſame Court, againſt the Defendant or Defendants in the ſaid Action, as in Caſes wherein Default is made; but whenever it ſhall happen that the Defendant or Defendants in the ſaid Action ſhall appear according to the Tenor of the Condition of the Bond, and there abide by the Order of the Court, or give Bail to the Satisfaction of the Plaintiff, and Approbation of the Court, to abide by the final Iſſue and Determination of the Suit, or if the Defendant from ſome Impediment ſhall not appear, but nevertheleſs two ſufficient Perſons to be approved of by the Plaintiff and Court, ſhall offer to become and give Bail in manner aforeſaid, in ſuch Caſe the Bail

upon Bail given, the officer to let defendant go at large.

if defendant do not appear to give Bail to abide the final event of the ſuit judgment to be enterd againſt him by Default.

and Bail Bond aſſigned.

upon Defendants appearance or giving ſpecial Bail, the Bail bond to be diſcharged.

or Appearance only, ſhall be diſcharged, and ſuch Defendant or Defendants ſhall be intitled to all the Privileges of Law, and in no other Caſe whatſoever, unleſs conſented to and agreed upon in open Court between the Plaintiff and Defendant or their Attornies in their Behalf.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Sixth Day of *June*, *Anno Domini* 1770, in the *Tenth Year* of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Seventh Day of *June*, 1779, in the Nineteenth Year of His ſaid Majeſty's Reign, being the Sixth *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT to prevent the ſpreading of Diſtempers among Horſes and Cattle in this Province.

Preamble.

WHEREAS great Damage & Inconvenience may ariſe by the going at large of Horſes, Mares, or Geldings and Cattle, which are infected with Diſeaſes liable to be communicated to other Horſekind or Cattle;

Juſtices in Seſſions ſhall make regulations for the preventing the going at large of infected Horſes and Cattle.

I. *Be it Enacted, by the Lieutenant-Governor, Council and Aſſembly*, That the Juſtices of the Peace in each County or Townſhip, impowered to hold Seſſions of the Peace, ſhall have Power, and they are hereby directed to make Regulations for the preventing the going at large of infected Horſes, Mares, Geldings and Cattle, and the ſpreading of Diſtempers among them, in Manner as ſhall be moſt agreeable to the Circumſtances of ſuch County or the Townſhips therein, and any Perſon who ſhall tranſgreſs ſuch Regulations ſo made, ſhall be ſubject to a Fine not Exceeding Ten Pounds, to be recovered on Complaint or Information before any two of his Majeſty's Juſtices of the Peace for the County, wherein the Offence ſhall be committed,

any Perſon tranſgreſſing ſuch Regulations to forfeit £10.

or

or before the Juſtices in the Seſſions held for ſuch County or Townſhip, and be levied on non-payment thereof, by Warrant of Diſtreſs and Sale of the Offender's Goods and Chattels, and applied for the Uſe of the Poor of the Townſhip where the Offence ſhall be committed.

CAP. II.

An ACT, to Regulate Abuſes in the Sale of Hides and Skins.

Preamble.

WHEREAS *notwithſtanding the Penalties to be inflicted by the Laws of this Province on Butchers or other Perſons, who ſhall gaſh, cut, ſplit or flaw the Hides of Cattle, Calf or Sheep in fleaing thereof, or otherwiſe, great Abuſes are daily committed to the great Injury of the Public*;

The Searchers and Sealers of Leather to view every hide or ſkin of cattle, Calves or ſheep before delivered on ſale, and if gaſh'd &c. an allowance to be made in the price.
Any butcher or others who ſhall not call on ſearchers of leather to view the ſame before the ſale, ſhall pay a fine of 20s. for every hide &c.
to be recovered before one Juſtice, one half to informer or Perſon ſuing, and one half to the poor.

I. *Be it Enacted by the Lieutenant Governor, Council and Aſſembly*, That the Perſons appointed Searchers and Sealers of Leather, ſhall view every Hide or Skin of any Cattle, Calves or Sheep either in the Slaughter Houſe or at the Tanners, before the ſame ſhall be delivered on Sale, and if he ſhall find the ſame to be gaſhed, cut, ſplit or Flawed, there ſhall be an Allowance made in the Price thereof to the Buyer, as ſhall appear to the ſaid Searchers and Sealers of Leather, to be juſt and equitable, and any Butcher or other Perſon, who ſhall not call on the ſaid Searchers and Sealers of Leather to view ſuch Hides or Skins before ſuch Sale, ſhall forfeit and pay a Fine of Twenty Shillings, for every ſuch Hide or Skin not expoſed to view as aforeſaid, to be recovered before any one of His Majeſty's Juſtices of the peace, and be levied by Warrant of Diſtreſs and Sale of the Offender's Goods and Chattels, one half thereof to be paid to the Informer or Perſon ſuing for the ſame, and the other Half to the Poor of the Place where the Offence ſhall be committed.

Searchers & ſealers of Leather to be paid for their trouble.

II. *And be it alſo Enacted*, That the ſaid Searchers and Sealers of Leather ſhall be paid for their trouble in viewing the ſaid Hides and Skins, *that is to ſay*, for every Ox, Bull, Steer or Cow Hide, three Pence, and for every Calf or Sheep Skin one penny, and Three Pence per Mile Travel, to be paid by the Seller.

CAP. III.

CAP. III.

An ACT for providing Pounds in the ſeveral Townſhips in this Province.

Preamble.

WHEREAS *the Manner of raiſing Money for the erecting Pounds in the ſeveral Townſhips in this Province, by the Act made in the Fifth Year of his preſent Majeſty's Reign, intitled,* an Act for the raiſing Money by Preſentment on the ſeveral Counties in this Province, for the defraying certain County Charges *therein mentioned, is found inconvenient;*

The Account of Expences for erecting Pounds ſhall before payment be approved by two Juſtices of the peace. and the coſt thereof levied by Aſſeſſment.

I. *Be it Enacted, by the Lieutenant Governor, Council and Aſſembly,* That the Account of Expences for erecting a Pound or Pounds in any Townſhip, ſhall before Payment be approved by two Juſtices of the Peace, reſiding in the Townſhip where ſuch Pound or Pounds ſhall be erected, or by two Juſtices of the Peace in the County wherein ſuch Townſhip ſhall lie, and the Coſt thereof ſhall be levied on the Inhabitants of ſuch Townſhip by Aſſeſſment in Manner as is provided for levying the Monies voted for ſupport of the Poor and recovered accordingly.

CAP. IV.

An ACT for the eſtabliſhing a public Market for the Sale of live Stock within the Town of *Halifax*.

Preamble.

WHEREAS *for want of an eſtabliſhed Market for the Sale of live Stock within the Town of* Halifax, *many evil minded Perſons, do foreſtall and engroſs the live Stock drove to the Town of* Halifax, *and have hereby greatly enhanced the Price of all Kinds of Butcher's Meat, to the great Diſtreſs of the Poor and other Inhabitants of the ſaid Town, as alſo for the Want of ſome Public Place of Sale, the Farmers and Drovers are greatly impoſed upon; in order therefore to remedy ſo great a Miſchief and Inconvenience.*

A Public Market to be Eſtabliſh'd in Halifax for the ſale of live neat cattle &c.

I. *Be it Enacted by the Lieutenant Governor, Council and Aſſembly,* That there ſhall be a public Market eſtabliſhed within the Town of *Halifax*, for the Sale of Live neat Cattle, Sheep, Lambs, Calves and Swine, in ſuch Place as the Governor, Lieutenant Governor or Commander in Chief of this Province for the Time being, ſhall appoint, or ſet a part for that Purpoſe, and all ſuch live Stock as aforeſaid, ſhall be there ſold, and in no other Place within the Diſtance of Ten Miles from *Halifax*.

II. *And*

II. *And be it alſo Enacted*, That the Market aforeſaid, ſhall be held every Day in the Week (Sunday's excepted) and if any Butcher or other Perſon whatſoever, at any other Place in *Halifax*, than the Market Place ſo ſet a part, or within Ten Miles thereof, ſhall purchaſe any Live Stock, Meat or Victuals, ſhall be deemed Foreſtallers and Regrators.

Said market to be held every day (Sundays excepted) and if any perſon ſhall purchaſe any live ſtock at any other place within ten Miles of Halifax, he ſhall be deemed a foreſtaller and regrator.

And in order the better to Rule, order and regulate the ſaid Market.

III. *Be it Enacted*, That the Juſtices of the Peace in the County of *Halifax*, are hereby impowered in their *General Seſſions of the Peace* or at *A Special Seſſions* called for that purpoſe, to nominate and appoint a Clerk for attending at, and overſeeing the ſaid Market, and they ſhall have Power and Authority at their ſaid Seſſions to make ſuch bye Laws for the better governing, ruling and ordering the ſaid Market, not being repugnant to the Laws of *Great Britain*, or of this Province, and to ſet and impoſe a Fine not exceeding the Sum of Forty Shillings, for each and every offence, and upon due Conviction of any Offender againſt them, to levy the Fine by Warrant of Diſtreſs and Sale of the Offender's Goods.

Juſtices in Seſſions to nominate & appoint a Clerk for ſaid Market and make Regulations and bye Laws for better Governing & ordering the ſame.

IV. *And be it alſo Enacted*, That the Juſtices of the Peace in their Seſſions aforeſaid, ſhall alſo have full Power and Authority, to make ſuch bye Laws as may be neceſſary for the better governing, ruling and ordering the Market already eſtabliſh'd, for the Sale of Dead Proviſions (not being repugnant to the Laws aforeſaid) and by ſetting a Fine not exceeding Forty Shillings in Manner aforeſaid, for the Enforcement of ſaid Rules and Orders, and to be recovered as aforeſaid.

Juſtices in ſeſſions to make bye Laws for the better Governing &c. the market at preſent eſtabliſhed,

V. *Provided always*, That nothing in this Act contained, ſhall debar the Agents or Contractors for victualling his Majeſty's Ships and Army, from purchaſing in the Manner heretofore practiſed.

This Act not to extend to contractors &c. for the Navy and Army.

VI. *And it alſo further Enacted*, That all the Fines and Forfeitures ariſing in Purſuance of this Act, ſhall be applied to keeping ſaid Market Places in repair, and if there ſhall be an Overplus, the ſame ſhall be applied for the Uſe of the Poor of the Town of *Halifax*.

Application of the fines & forfeitures.

VII. *Provided*, That nothing in this Act contained, ſhall take effect till a public Slaughter Houſe is erected.

Nothing in this Act to take effect till public Slaughter houſe is built.

C A P. V.

An ACT to impower the Juſtices of the Peace in their Seſſions to make Regulations for preventing the Clandeſtine conveying away Sheep and Lambs from the Townſhips in this Province.

Preamble.

WHEREAS Butchers, Drovers and others, who buy Sheep and Lambs in the Country do frequently in a clandeſtine Manner drive away other Sheep and Lambs, the Property of the Inhabitants, from the Commons and Places where they run at Large, by which Means it is not in the Power of the Owners to detect them, for Remedy whereof;

The Juſtices in ſeſſions to make regulations for the preventing the clandeſtine driving away ſheep and lambs from the ſeveral townſhips. Perſons who tranſgreſs ſuch Regulations to forfeit £5. for the uſe of the Poor.

I. *Be it Enacted by the Lieutenant Governor, Council and Aſſembly*, That the Juſtices of the Peace in each County or Townſhip impowered to hold Seſſions of the Peace, ſhall be impowered in their Seſſions as aforeſaid, and they are hereby directed, to make Regulations for the preventing the clandeſtine driving or carrying away Sheep and Lambs from the ſeveral Townſhips in ſuch Counties, in Manner as ſhall be moſt agreeable to the Circumſtances of ſuch County or Townſhips therein, and any Perſon who ſhall tranſgreſs ſuch Regulations ſo made by the Juſtices, ſhall forfeit and pay a Fine not Exceeding Five Pound to be recovered on Complaint or Information before any Two of his Majeſty's Juſtices of the Peace for the County wherein the Offence ſhall be committed, or before the Seſſions in ſuch County or Townſhip, and be levied by Warrant of Diſtreſs on the Offender's Goods and Chattels, and applied to the Uſe of the Poor of the Townſhip where the Offence ſhall be committed.

At

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the *Sixth* Day of *June*, *Anno Domini* 1770, in the Tenth Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain*, *France* and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Ninth Day of *October*, 1780, in the Twentieth Year of His ſaid Majeſty's Reign; being the Seventh *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT for the more ſpeedy and effectual collecting ſuch Town Rates and Taxes as may be aſſeſſed on the Inhabitants of the Townſhip of *Halifax*.

Preamble.

WHEREAS *the Method hitherto practiſed in Collecting Taxes and Rates for the Support of the Poor, and other Town Rates and Taxes at* Halifax, *has been found inſufficient for that Purpoſe.*

Juſtices in *General or Special Seſſions* to appoint annually a Collector of Rates & Taxes for the Townſhip of *Halifax*.

I. *Be it Enacted, by the Lieutenant Governor, Council and Aſſembly*, That from and after the Publication of this Act, it ſhall and may be lawfull for the Juſtices in their *General or Special Seſſions* of the *Peace*, annually, to appoint a fit Perſon to collect all Town Taxes or Rates, which ſhall be aſſeſſed on the Inhabitants of the Townſhip of *Halifax*, which Perſon ſhall give ſufficient Security from the faithfull Diſcharge of his Office.

Said Collector to account every Month and pay Money received by him.

II. *And be it alſo Enacted*, That the Collector appointed as aforeſaid, ſhall once in every Month account with and pay into the Hands of ſuch Perſon or Perſons appointed to receive the ſame, for the Time being, all ſuch Sums of Money as he may have received, and in Caſe of his Neglect, or refuſal to Account and pay the ſame as aforeſaid, ſuch Collector

Collector ſhall and may be proſecuted by Bill, Plaint or Information in any of His Majeſty's Courts of Record.

To be allowed £10 per Cent. for collecting.

III. *And be it Enacted*, That the Collector appointed as aforeſaid ſhall be allowed *Ten Pounds per Cent*, for collecting and paying in the Rates and Taxes as aforeſaid.

CAP. II.

An ACT for Eſtabliſhing a publick School in the Town of *Halifax*.

Preamble.

WHEREAS every publick Attention to the Education of Youth is of the utmoſt Importance in Society, and whereas it is impracticable to procure a perſon ſufficiently qualified for that Purpoſe, without making a handſome and liberal Proviſion for his eaſy Support and Maintenance.

A Sum not exceeding £1500. to be granted for erecting a Building in *Halifax* for a School.

I. *Be it Enacted by the Lieutenant Governor, Council and Aſſembly*, That a Sum not exceeding Fifteen Hundred Pounds, be Granted for the Purpoſe of erecting a proper and convenient Building in the Town of *Halifax*, for keeping a Publick School, which Sum ſhall be raiſed in Manner hereafter to be directed by the *General Aſſembly*.

Allowance to the Maſter and for Aſſiſtance.

II. *And be it alſo Enacted*, That a Sum not exceeding One Hundred Pounds be annually granted in the Eſtimate for the Expences of Government for the Support of a School-maſter, and when the Number of Scholars ſhall exceed Forty, that a further Allowance of Fifty Pounds Yearly be included in the ſaid Eſtimate for the Aſſiſtance of the ſaid Maſter in the Support of an Uſher, which the ſaid Maſter ſhall in that Caſe provide.

Five Perſons to be Annually appointed as Truſtees and Directors by the Governor &c.

III. *And be it further Enacted*, That there ſhall be annually appointed by the Governor, Lieutenant Governor, or Commander in Chief of the Province, five reputable Perſons as Truſtees and Directors of the ſaid School, one of which to be Preſident, who are hereby impowered to make Bye-Laws and Regulations for the ſaid School, and who ſhall be incorporated for that Purpoſe, to be enabled to ſue and be ſued, to hold Grants of Lands, and to receive Donations for the Endowment thereof.

Said Truſtees to be accountable to the Legiſlature.

IV. *And be it alſo further Enacted*, That the ſaid Truſtees and Directors ſhall be from Time to Time accountable to the Legiſlature of the Province for their Conduct and Management of the Property ſo to be Veſted in them.

V. *And*

V. *And be it Enacted*, That the ſaid Preſident and Directors ſhall hold a public Viſitation and Examination at ſaid School twice every Year, to wit, on the Firſt Monday of *May*, and the Firſt Monday of *October* annually.

The Preſident and Directors to hold a public Viſitation twice a Year.

At the GENERAL-ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at *Halifax*, on the Sixth Day of *June*, *Anno Domini* 1770, in the Tenth Year of the Reign of our Sovereign Lord GEORGE the Third, of *Great-Britain*, *France* and *Ireland*, King, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the Eleventh Day of *June*, *Anno Domini* 1781, in the Twenty-Firſt Year of his ſaid Majeſty's Reign, being the Seventh *General-Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT to eſtabliſh authenticated Copies of the Records of Council as legal Evidence.

WHEREAS many Titles to Land depend on Votes of his Majeſty's Council, and many other proceedings in Council, become oftentimes neceſſary Evidence in Suits at Law; and whereas doubts may ariſe relative to the Admiſſibility of ſuch Evidence, and the producing the original Records in Court is attended with great Inconvenience; in order therefore to remedy the ſame.

Preamble.

BE it Enacted, by the Lieutenant-Governor, Council and Aſſembly, That hereafter the Tranſcript or Copy of any Vote or Proceedings of his Majeſty's Council, relating to Titles of Lands, atteſted as a true Copy, and ſigned by the Clerk of the Council, ſhall be admitted and received as legal Evidence in any Cauſe depending in any of his Majeſty's Courts, within this Province. And the Clerk of the Council is hereby required and directed, upon the Application of any of the

The Tranſcript or Copy of any Vote or proceedings of his Majeſty's Council, relating to titles to Lands, to be admitted as Evidence.

The Clerk of the Council to give Copies of ſuch proceedings.

Fee for the ſame.

Parties at Varience, or their Attorney, to give an exact Copy of all ſuch Proceedings, atteſted and ſigned by him; and that there ſhall be paid for the ſame, for every Search one Shilling, for every authentic Copy, ſigned by him, ſix Shillings and Eight pence, if under one Hundred Words, and for every Hundred Words more, at the rate of one Shilling for every one Hundred Words.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Sixth Day of *June*, *Anno Domini* 1770, in the Tenth Year of the Reign of our Sovereign Lord GEORGE the Third, of *Great Britain*, *France*, and *Ireland*, KING, Defender of the Faith, &c. and there continued by ſeveral Prorogations until the eleventh Day of *June*, 1782, in the Twenty Second Year of His ſaid Majeſty's Reign; being the Eight *General Aſſembly* convened in the ſaid Province.

CAP. I.

An ACT to reſtrain Hawkers, Pedlars, and petty Chapmen, not duly licenſed to Trade, travelling to and fro' through the Country.

Peramble.

WHEREAS many Inconveniencies ariſe by Hawkers, Pedlars, and Petty Chapmen, paſſing to and fro' thro' the Country to vend Goods and Merchandize, that it is a Detriment to Trade, and an Encouragement to many idle Perſons, to avoid being employed in uſefull Trades or Huſbandry; for Remedy whereof.

I. *Be it Enacted, by the Lieutenant Governor, Council and Aſſembly*, That from and after the Publication of this Act, no Hawker, Pedlar, or Petty Chapman, or other trading Perſon or Perſons, going from Town to Town or other Men's Houſes, and travelling either on Foot, or with Horſe, Horſes or otherwiſe, carrying to ſell or expoſing to Sale

Sale in any Houſe, or in any Town or Village, whereof ſuch Perſon or Perſons is not an Inhabitant, except in any public Fair or Market, any Wares, Goods or Merchandize, without previouſly giving Bond, and taking out a Licenſe, if at *Halifax* from the Clerk of the Licenſes, and if in any other County or Diſtrict in the Province, from the Clerk of the Peace, by Conſent of at leaſt three Juſtices of the Peace for ſuch County or Diſtrict, in the ſame Manner as Bonds are taken and Licenſes for Retailing Liquors are granted, for which Licenſe there ſhall be paid half yearly as follows, for every Licenſe to a Hawker, Pedlar, or Petty Chapman, travelling on Foot without Horſe or other Beaſt of Burthen, Three Pounds, for every Licenſe to ſuch Hawker, Pedlar or Petty Chapman, travelling with one Horſe, or other Beaſt of Burthen Six Pounds, and for Every Horſe, or other Beaſt of burthen, exceeding one, Two Pounds, and the Number of Horſes or other Beaſts of burthen, when any to be expreſsly ſpecified in the Licenſe.

Hawkers and Pedlars to be licenſed and pay a Duty.

II. *And be it alſo Enacted*, That no Perſon or Perſons ſhall expoſe to Sale in any Houſe, or in any Town or Village, whereof ſuch Perſon or Perſons is not an Inhabitant except in any public Fair or Market, any Wares, Goods or Merchandize, without having obtained a Licenſe as aforeſaid, on Pain of forfeiting all ſuch Goods, Wares or Merchandize, by him or them expoſed to Sale.

Penalty for ſelling without Licenſe.

Fair and Markets excepted.

III. *And be it Enacted*, That the whole of the Monies ariſing from the Duty or Rate to be paid by every Hawker, Pedlar and Petty Chapman as aforeſaid, together with two Thirds of the Fines and Forfeitures incurred by Offenders againſt this Act, ſhall be appropriated for the making, opening and repairing the public Road, and Bridges, thro' the Province, under the Direction of the Governor, Lieutenant Governor, or Commander in Chief of the Province, and the other Third of the Fines and Forfeitures aforeſaid, to him or them who ſhall inform againſt, and proſecute ſuch Offender or Offenders for the ſame, and be recovered by Bill, Plaint or Information in any of his Majeſty's Courts of Record in the Province.

Appropriation of the Money ariſing from the Duty and Penalties.

IV. And all his Majeſty's Juſtices, Sheriffs, Under Sheriffs and Conſtables are hereby ſtrictly enjoined and required, to exert their utmoſt Power to ſee, that this Law be duly put in Execution.

Juſtices, Sheriffs, and Conſtables to be aiding and aſſiſting in puting the Act in execution.

V. *Provided always*, That nothing in this act ſhall extend, or be conſtrued to extend to prohibit any Perſon ſelling Fiſh, Fruits or Victuals, nor to hinder any Makers of Goods or their Children, Apprentices or Servants, from carrying or ſelling the Goods of their own making; nor any Tinkers, Coopers, Glaziers, Plumbers, Harneſs Menders, or other Perſons, uſually trading in mending Kettles, Tubs, Houſehold Goods, or Harneſs, from going about and carrying Materials for Mending the ſame.

Exceptions.

CAP. II.

CAP. II.

An Act to enable the Creditors of Government to receive Intereſt on ſuch Warrants as ſhall be drawn on the Treaſury, and payable in Purſuance of Votes and Reſolutions of the *General Aſſembly* which by a Scarcity of Money the Treaſurer ſhall not be able to diſcharge.

Preamble.

WHEREAS *the preſent Demands on Government exceed the Sum of Money in the Treaſury, or which may be paid in for Duties for ſometime to come.*

When for want of Money in the Treaſury, the Treaſurer ſhall not be able to pay Warrants payable on Votes, &c. of the *General Aſſembly*, he is impowered to indorſe thereon, that the ſum therein mentioned ſhall bear intereſt.
Proviſo.

I. *Be it Enacted, by the Lieutenant Governor, Council and Aſſembly*, That when any Perſon or Perſons having Warrants on the Treaſury payable in Purſuance of Votes and Reſolutions of the *General Aſſembly*, ſhall preſent the ſame for Payment, and that the Treaſurer ſhall not have Money in his Hands wherewith to diſcharge the ſame, he is hereby impowered to indorſe on ſuch Warrant that the Sum therein mentioned ſhall bear Intereſt at the Rate of *Six per Cent per Annum* from its Date until Payment of the ſame, *provided* the Amount of ſaid Sums ſhall not exceed in the whole the ſum of Three Thouſand Pounds.

Intereſt to be paid on ſuch warrants until diſcharged.

II. *And be it alſo Enacted*, That until there is Money in the Treaſury ſufficient for the Diſcharge of ſuch Warrants ſo granted, the Treaſurer is hereby directed to pay the Intereſt thereon as it becomes annually due, out of ſuch Monies as may then be in his Hands ariſing from the Duties of Impoſt and Exciſe.

So ſoon as money ſhall be in the Treaſury ſufficient to diſcharge ſuch Warrants the ſame ſhall be called in and paid.

III. *And be it further Enacted*, That as ſoon as Money ſhall be paid into the Treaſury ſufficient to diſcharge ſuch Warrant or Warrants ſo granted, the Treaſurer is hereby directed to call in and pay ſuch Warrant or Warrants, according to Priority of the Date or Dates out of the firſt Monies, that may come into his Hands ariſing from the Duties of Impoſt and Exciſe.

Provided Nevertheleſs, That Warrants granted for Officers Salaries or allowances ſhall not bear Intereſt.

CAP. V.

An Act to prevent the Foreſtalling Regrating and Monopolizing of Cord Wood in the Town of *Halifax*.

BE it *Enacted, by the Lieutenant Governor, Council and Aſſembly*, That from and after the Publication of this Act, whatſoever Perſon or Perſons ſhall buy, or Cauſe to be bought, any Cord Wood coming by Land or Water to the Town of *Halifax* to be ſold again, except at the Diſtance of Ten Miles from *Halifax*, or ſhall make any Bargain, Contract, or Promiſe, or ſhall make any offer in any Way or Manner whatſoever, to any Perſon or Perſons for the having or buying the ſame, or any Part thereof, for the enhancing the Price, or dearer ſelling any Kind of Cord Wood coming by Land or Water, to *Halifax*, aforeſaid, ſhall forfeit and pay for every Cord of Wood ſo bought or received Ten Shillings per Cord, over and above the Price ſo given or paid, upon Conviction before Two of his Majeſty's Juſtices of the Peace, and be levied (in Caſe of Refuſal of Payment) by Warrant of Diſtreſs and Sale of the Offender's Goods and Chattles, and be applied towards the ſupport of the Poor of the ſaid Townſhip.

Any Perſon buying Cord Wood to ſell again (except at the diſtance of ten miles from Halifax) or ſhall make any bargain &c. for enhancing the price to forfeit 10s. per Cord.

II. *Provided nevertheleſs*, That when the Price of Cord Wood ſhall be at the Rate of Fifteen Shillings per Cord, or under, any Perſon or Perſons ſhall, and may be at Liberty to purchaſe Cord Wood to ſell again, without incurring the Penalties of this Act.

Unleſs when the price of Cord wood ſhall be at 15s. or under,

III. And *Provided* alſo, That nothing in this Act contained ſhall extend to prevent the Barrack Maſter, or Perſons employed by him, from purchaſing Cord Wood for the Uſe of His Majeſty's Troops.

And not to prevent Barrackmaſter from purchaſing wood for the Troops.

At the GENERAL ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at HALIFAX, on the ſixth Day of *June* 1770, in the Tenth Year of the Reign of our Sovereign Lord GEORGE the Third of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. And there continued by ſeveral Prorogations until the Sixth Day of October, 1783, in the Twenty Third Year of His ſaid Majeſty's Reign, being the Thirteenth Seſſion of the Fifth *General Aſſembly* convened in the ſaid Province.

CAP. I.

AN ACT for the better regulating the Office of Sheriffs, and the Manner in which the Sheriffs, Clerks of the Crown, and Clerks of the Peace ſhall return and paſs their Accounts of all Fines and Forfeitures, which ſhall be Impoſed by their reſpective Courts, and which ſhall be levied by the Sheriffs for the Uſe of the Crown.

BE it *Enacted*, *by the Governor*, *Council*, *and Aſſembly*, That it ſhall and may be lawful, for the Chief Juſtice or in his Abſence for the eldeſt Judge of His Majeſty's Supreme Court in the laſt Day of *Michealmas Term* annually, in the Liſt of Perſons, which they are by Law to give to the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to return over again the Names of ſuch Perſon or Perſons as ſhall be then in Office of Sheriff in each County; provided it ſhall appear to ſuch Judge or Judges, that ſuch Perſon or Perſons, by writing under their Hand or Hands directed to the Judge or Judges of the ſaid Court, ſignifying his Conſent, that he is willing to ſerve again for the enſuing Year: And if the Governor, Lieutenant Governor, or Commander in Chief, for the time being, ſhall ſee fit to nominate ſuch Perſon or Perſons as

Chief Juſtice at Michaelmas Term, may return over again the Name of the Perſon ſerving the Office of Sheriff with his own conſent to ſerve for the Enſuing Year.

Such Sheriff ſhall take over again the Oaths of Office, give new Securities and take out a new Patent for each and every Year he ſhall continue in Office.

ſhall be then in the Office of High Sheriff to ſerve again for the enſuing Year, that then ſuch Perſon or Perſons ſhall within two Months after ſuch Appointment or Appointments take over again the uſual Oaths of Office, together with the Oaths herein after preſcribed, and give new Securities, and take a new Patent out of the Secretary's Office for the ſecond Year, as tho' he or they had never ſerved the Office of Sheriff before, and ſhall take new Oaths, give new Securities, and take a new Patent for each and every Year, that he or they ſhall afterwards continue in Office as aforeſaid, and if ſuch Perſon or Perſons ſo continued in Office from Year to Year as before preſcribed, ſhall neglect for a longer Time then two Months to take ſuch new Patent, new Oaths, and give ſuch new Securities, ſuch Perſon or Perſons ſhall forfeit and pay the ſum of Fifty Pounds, to be levied in the Manner and Form ſpecified in the Law for appointing Sheriffs through this Province, and on ſuch neglect as aforeſaid, it ſhall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to appoint one of the other Perſons returned in the ſaid Liſt of three by the Judges as aforeſaid.

Penalty for, Neglect of compliance with the preſcribtion's, Fifty Pounds.

The Governor &c. in caſe of Neglect to appoint another.

Upon repreſentation by the Juſtices in their General Seſſions againſt the former Sheriff ſerving or being returned for the Second Year, it ſhall not be lawful for him to Act.

II. *And be it further Enacted*, That if a Repreſentation ſigned by the Juſtices in their *General Seſſions* aſſembled in any County within this Province, ſhall be filed in His Majeſty's *Supreme Court*, at *Halifax*, as of any *Michaelmas* Term, after the Publication of this Law, praying thereby, that the Perſon then ſerving the Office of Sheriff in ſuch County ſhould not be returned in the Judges Liſt of three to ſerve the Office of Sherriff for the enſuing Year, that then, and in ſuch Caſe the Judge whoſe Buſineſs it is to return ſuch Liſt, ſhall on no Account whatſoever return in his Liſt the Name of ſuch Perſon ſo petitioned againſt, and it ſhall not be lawful for ſuch Perſon ſo petitioned againſt to be continued in Office a ſecond Year.

The Sheriff or Deputy who receive money to Account for the ſame (if required, in Twenty four Hours, or if detained they are liable to a fine of Five Shillings in the Pound for each & every week the ſame ſhall be unpaid.

III. *And be it further Enacted*, That if any Sheriff or the Deputies by him appointed ſhall levy or receive any Sum or Sums of Money whatſoever by Virtue of any Execution, Writ or Proceſs whatſoever, and ſhall detain ſuch Sum or Sums of Money in his or their Hands Twenty Four Hours after the Perſon or Perſons legally authorized to receive the ſame, or any Perſon lawfully by him or them appointed for that Purpoſe, ſhall in the Preſence of one credible Witneſs demand ſuch Sum or Sums of Money to be paid over to him or them, that then ſuch Sheriff ſhall forfeit to the Party intitled to receive ſuch Sum or Sums of Money for each and every Week, that, he or his Deputy or Deputies ſhall detain the ſame, the Sum of five Shillings for each and every Pound of lawful Currency of this Province, which he or they ſhall detain after demand made as aforeſaid, the ſame to be recover'd by Bill, Plaint or Information, in His Majeſty's *Supreme Court* at their Sittings in any Part of this Province.

IV. *And*

IV. *And be it further Enacted*, That if any Sheriff of any County within this Province after any Writ, Proceſs or Execution directed to him, out of any Court of Record within the ſame, ſhall have come to his Hand or the Hands of his Deputies, he or they, on any Account whatſoever, ſhall omit or neglect returning ſuch Writ, Proceſs or Execution with his or their doings thereon, indorſed on the back thereof in due Time into the Court where ſuch Writ ſhall be returnable, ſuch Sheriff for each and every ſuch Neglect of himſelf or his Deputies, ſhall forfeit and pay the Sum of Twenty Pounds, the ſame to be recovered by any Perſon or Perſons whatſoever by Bill, Plaint or Information in any his Majeſty's Court of Record within this Province.

Penalty for neglect of due return of Writ, Proceſs, or Execution Twenty Pounds.

V. *And be it further Enacted*, That if any Sheriff or his Deputies ſhall on any Pretence whatſoever, after any Summons, Capias or Attachment ſhall have come to his or their Hands, ſettle with, or receive from the Party or Perſons againſt whom ſuch Summons, Capias or Attachment ſhall iſſue any Sum or Sums of Money whatſoever, for or on Account, or in full, for ſuch Sum or Sums of Money as ſuch Summons, Capias or Attachment ſhall be iſſued for the Recovery of, or ſhall return ſuch Summons, Capias or Attachment ſettled or ſatisfied without leave being firſt had in writing from the Party or Perſon iſſuing ſuch Summons, Capias, or Attachment, or ſome Perſon lawfully authorized by him, thereby impowering ſuch Sheriff or Deputies to compromiſe the Suit or Suits for the Commencement of which ſuch Summons, Capias or Attachments was iſſued, that then ſuch Sheriff, on Receiving ſuch Sum or Sums of Money, or returning ſuch Writ or Writs ſatisfied without leave as aforeſaid, ſhall forfeit and pay for each and every Offence, the Sum of Ten Pounds, to be recovered by any Perſon whatſoever, by Bill, Plaint or Information in any of his Majeſty's Courts of Record in this Province.

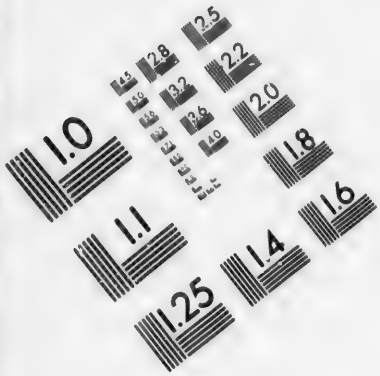
Penalty to which the Sheriff, &c. is liable for compromiſing a Debt ſued for by ſummons, Capias or Attachment without leave of the Party cauſing the ſame to be Iſſued, Ten Pounds.

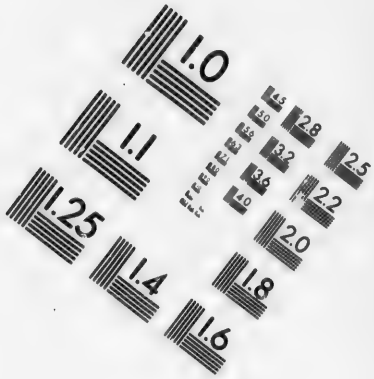
VI. *And be it further Enacted*, That if any Sheriff of any County within this Province, ſhall happen to die before his Year ſhall be expired, or before he be lawfully ſuperceded, nevertheleſs the Deputy Sheriffs ſo by him appointed ſhall continue to execute the ſaid Office in the Name of the deceaſed Sheriff, until another Sheriff ſhall be appointed for the ſaid County, and ſworn into Office, and the Securities given by the Sheriff for the faithfull Diſcharge of his Office, ſhall be accountable for the Conduct of the ſaid Deputy or Deputies in the ſame manner as they would have been was the ſaid Sheriff living.

In caſe of Death or Superſeadas, the Bail of the Sheriff to be accountable for the Conduct of the Deputy, who is obliged to Act.

VII. *And be it further Enacted*, That all Sheriffs which in future ſhall be appointed on their entering upon their Office ſhall take and ſubſcribe the following Oath: *I. A. B. do ſolemnly Swear, that I will truly ſerve the King in the Office of Sheriff of the County of and promote His Majeſty's Profit in all Things that belong to my Office, as far as I legally can or may, I will truly preſerve the King's Peace and all Rights,*

The Oath to be taken by all Sheriffs on their entering upon their Office.





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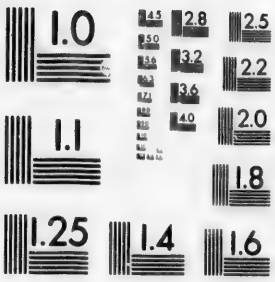

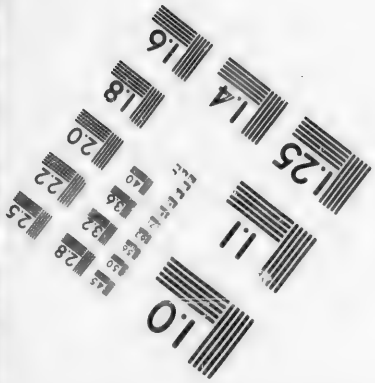

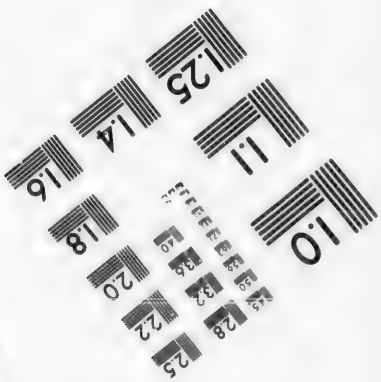

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Rights, which belong to his Crown, and where I have any Knowledge of the King's Revenue being diminiſhed, concealed or waſted, or of any Perſon or Perſons concerned in collecting the ſame, being negligent in their Duty, I will certify, and inform the King's Repreſentative within this Province, or ſome of his Judges of the ſame, I will do right as well to Poor as to Rich in all things belonging to my Office. I will do no wrong to any Perſon whatſoever for any Gift, Reward or Promiſe, nor for Favour nor Hatred, I will diſturb no Man's Rights, I will at the End of the Year render to His Majeſty's Supreme Court *at* Halifax *a true and faithful Account of ſuch Debts, Duties, Fines or Forfeitures to the Crown, as ſhall be levied by me, or otherwiſe come to my Hands. I will do nothing whereby the King, or any of his Subjects may loſe, or whereby the Revenue of this Province may be injured or diminiſhed. I will without reſpite or delay return, and truly ſerve all the Writs coming to my Hands without Favor or Affection. I will take no Deputy or Bailiff into my Service, but ſuch as I will anſwer for, and will cauſe each of them before they enter on their Office to take and ſubſcribe this Oath: I will make due return every Year I ſhall be continued in this Office, to the King's Courts at their Sittings within my Bailiwick of all the Freeholders and Perſons qualified for Grand or Petty Juries within the Limits of the ſame. I will not during the Continuance of my Office receive from any Perſon or Perſons whatſoever, either directly or indirectly, any Fee, Favor, or Reward for conſtituting ſuch Perſon or Perſons my Deputy or Bailiff, but will keep a ſtrict Eye over ſuch Perſon or Perſons, that they do not exact unreaſonable Fees, or that they are not guilty of Extortion or Oppreſſion in their Offices. I will not aſk or demand from any Perſon or Perſons whatſoever, any more Travel for the Service of any Writ or Proceſs, than what I have actually and* Bona fide *travelled over for the Service of the ſame. I will truly and diligently execute the Laws and Statutes of this Province, and in all Things will ſtrictly behave myſelf in my Office for the Honour of the King, and the good of his Subjects."*

So help me GOD.

VIII. *And Whereas great and many Inconveniencies have ariſen, by reaſon of the Clerks of the Crown, Clerks of the Peace and Sheriffs, neglecting regularly to account for ſuch Fines and Forfeitures as ſhall be adjudged to be levied for the King in their reſpective Counties.*

Sheriffs, Clerks of the Crown and Clerks of the Peace to Account for all fines & Forfeitures, to the Crown every Six Months.

Be it therefore Enacted, that from and after the Publication hereof, all Clerks of the Crown, and Clerks of the Peace in the ſeveral Counties within this Province, ſhall once in every ſix Months certify under the Seal of their reſpective Courts into the Office of the Clerk of the *Supreme Court* at *Halifax*, an Account, ſtating therein the ſeveral Fines, Penalties and Forfeitures adjudged to the King in their reſpective Courts, together with the Names of the Perſons, who ſhall be adjudged to pay ſuch Fines, Penalties and Forfeitures, and in Caſe no Fine, Penalty, or Forfeiture ſhall be adjudged to the Crown in any, or either of ſaid Courts within the ſaid ſix Months, then the Clerk of ſuch Court ſhall certify the ſame as aforeſaid; and in Caſe any Clerk of

of the Crown, or Clerk of the Peace for any County within this Province, ſhall neglect to make Returns in the manner aforeſaid every ſix Months, ſuch Clerk ſhall forfeit and pay for each and every Neglect the Sum of *Five Pounds*, to be recovered on Information by any Perſon whatſoever in his Majeſty's *Supreme Court* at *Halifax*; and in Caſe any Sheriff of any County within this Province, ſhall neglect or delay longer then two Months after his Year of Office ſhall expire, to render an Accounts on Oath to the ſaid Clerk of the *Supreme Court* in *Halifax*, of all ſuch Fines, Forfeitures, Penalties, or other Debts or Dues of the Crown as ſhall be levied by him, together with the Names of the Perſons on whom the ſame ſhall be levied, ſuch Sheriff, for each and every Neglect as aforeſaid, ſhall forfeit and pay the Sum of *Twenty Pounds*, the ſame to be recovered on the Information of any Perſon whatſoever, before his Majeſty's *Supreme Court* at *Halifax*, one Half ſaid Penalty to go to the Informer, and the other Half to the Crown.

Fine for Neglect Five Pounds.

Fine for neglect in this Caſe for longer than two Months after their Year of Office ſhall expire twenty Pounds.

IX. *And be it further Enacted*, That at the End of every Eaſter Term, the Clerk of his Majeſty's *Supreme Court* in *Halifax*, ſhall ſtate a General Account of all the Fines, Forfeitures and Penalties adjudged to the Crown in the ſeveral Courts within this Province, particularizing each County, and the Names of the Perſons who ſhall be adjudged to pay ſuch Fines, Forfeitures and Penalties, as alſo the Sums levied on Account thereof, and the Sums that ſhall be then due, and the Names of the Perſons who owe the ſame, which ſaid Account ſtated as aforeſaid, the ſaid Clerk of the ſaid *Supreme Court* ſhall certify under the Seal of ſaid Court into the Treaſury of this Province, and in Caſe the ſaid Clerk ſhall neglect to return ſuch Account in Fourteen Days after the End of every Eaſter Term, ſuch Clerk ſhall forfeit and pay the Sum of *Twenty Pounds*, for each and every Neglect, or Omiſſion; the ſame to be recovered before the ſaid *Supreme Court* in *Halifax*, on the Information of any Perſon whatſoever, one Half ſaid Penalty to go to the King, and the other Half to the Informer.

Clerk of the Supreme Court at Halifax ſhall ſtate a General Account of Fines, &c.

Penalty for Neglect to ſtate and return ſuch Account Twenty Pounds.

CAP. II.

An ACT for the Relief of ſundry of his Majeſty's Subjects in this Province, againſt whom Judgements have been recovered, on Account of Loſſes ſuſtained by the Depredations of the Enemy.

WHEREAS *ſome Perſons, Inhabitants of this Province, who have ſuſtained Loſſes by Reaſon of the Depredations of the Enemy, have commenced Suits and recovered Judgments againſt other Perſons, likewiſe Inhabitants and Subjects of this*

Preamble.

this Province for the Amount of such their Losses on Allegations, that such Persons had aided and assisted the Enemy.

Judgements for the *Just Amount of Losses sustained* to be paid.

And WHEREAS there is much reason to think, that such Judgments have been recovered for a much larger Amount than the Losses really sustained by such Persons, owing to the confused State of the back Part of this Province, and the Difficulty that in those Times attended the procuring of the Attendance of Witnesses.

And WHEREAS the Manner in which the said Judgments have been carried into Execution is grievious and oppressive, the Estates of a few Individuals, having been wholly seized to satisfy the same, it is fit that the Losses really sustained by the Persons recovering said Judgements, should be paid and satisfied by all the Inhabitants of this Province, who were concerned in causing such Losses.

Commissioners to be appointed to examine and ascertain Losses.

II. *WHEREFORE, Be it Enacted, by the Governor, Council, and Assembly*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the Advice of his Majesty's Council, by Warrant under his Hand and Seal to appoint Three fit and proper Persons to act as Commissioners for the Purposes herein after mentioned in each County within this Province, if any Freeholder or Freeholders of such County shall desire the same; such Commissioners to be first duly sworn, to the faithful and impartial Discharge of the Trust reposed in them.

Commissioners to be sworn.

Commissioners to post up Advertisements to notify the concerned.

III. *And be it further Enacted*, That it shall and may be lawful for such Commissioners after they shall have been appointed and qualified as aforesaid, to post up Advertisements, for at least one Month, in all the most noted Places, within their County, thereby notifying all Persons concerned, of the Time and Place, when and where, they will proceed to act under the said Commission, and said Commissioners shall likewise cause a Notice, under their Hands and Seals to be served on each Person within their County, who has recovered any Judgement or Judgements against Inhabitants of this Province, for and on Account of any Losses they may have sustained by the Depredations of the Enemy, thereby requiring them on a certain Day therein to be specified, to appear before them and there to exhibit a particular Account of the Losses for what he or they have recovered said Judgments, and also to lay before them such Proofs and Evidences, as they may have to ascertain their said Losses, and the said Commissioners shall have Power to adjourn from Day to Day to Administer Oaths to, and examine all such Witnesses as shall be produced before them, either by one Party or the other; And after such Commissioners shall have fully heard the Allegations of all Parties, it shall and may be lawful for them, after giving Credit for all such Sums of Money, or other

The Commissioners authorized to Administer Oaths to Witnesses.

other Satisfaction, as ſuch Perſons ſhall have already received from Government, as a Recompence for their ſaid Loſſes, as alſo for all ſuch Sums of Money as they ſhall have received by the Sale of perſonal Eſtates by Virtue of ſuch Judgments, to ſign and ſeal a Report directed to the Chief Juſtice of his Majeſty's *Supreme Court*, thereby aſcertaining the Amount of the Real Loſſes of each Perſon or Perſons, who have recovered Judgements as aforeſaid, and likewiſe to tranſmit with their ſaid Report, a Liſt of the Perſons Names who are or were Inhabitants of their ſaid County, and who ought properly to be charged with the Payment of ſuch Loſſes.

Commiſſioners to make Report of their proceedings to the Supreme Court directed to the Chief Juſtice.

IV. *And be it further Enacted*, That if the Perſons who have recovered Judgement as aforeſaid, or any of them, ſhall after Notice given as herein beforementioned, neglect or refuſe to attend the ſaid Commiſſioners with their Accounts and Proofs as aforeſaid, that then, it ſhall and may be lawful for ſuch Commiſſioners to collect the real Amount of ſuch Perſon or Perſons Loſſes by the beſt Information they can, and to make a Report of the ſame, ſtating therein the Neglect and Refuſal of ſuch Perſon or Perſons to attend as aforeſaid.

Perſons who have recovered Judgements, neglecting to attend the Commiſſioners, with their Accounts, &c. the Commiſſioners are impowered to collect the Loſſes, upon Information.

V. *And be it further Enacted*, That after ſuch Commiſſioners Report ſhall have been filed in his Majeſty's *Supreme Court* at *Halifax*, for one whole Term, it ſhall and may be lawful for the Chief Juſtice of the ſaid Court, and his Aſſociates, to take ſuch Report into Conſideration, and after examining the ſame, and hearing ſuch Affidavits as ſhall be filed therewith, if it ſhall appear to the ſaid Court, that ſuch Judgements have been ſurreptitiouſly obtained, or that the Perſon recovering the ſame have by any unfair means recovered more than the Value of the real Loſſes they ſuſtained, or that there are any or other Perſons, Inhabitants of ſuch County or Counties, who ought equally as well to be charged with the Payment of ſuch Loſſes, as the Perſon againſt whom ſuch Judgements have been recovered, that it ſhall and may be lawful for the ſaid Judges to ſet ſuch Judgement, and all the Proceedings had under the ſame aſide, and to order the real Loſſes of ſuch Perſon or Perſons recovering ſaid Judgements to be made good by an Aſſeſſment to be made, and levied on the ſeveral Perſons, who the ſaid Commiſſioners ſhall return in their ſaid Liſt as Perſons properly chargeable with the Payment of the ſame.

After Report of the Commiſſioners duly filed, the Chief Juſtice &c. may proceed to confirm the Accounts and Report and ſet aſide any Judgement ſurreptitiouſly obtained.

The Value of the real Loſſes to be levied and made good by Aſſeſſment.

VI. *And be it further Enacted*, That all Judgements recovered, and all Executions iſſued thereon by any Perſon or Perſons whatſoever, againſt any Inhabitant or Inhabitants of this Province for any Loſs or Loſſes ſuſtained by the Depredations of the Enemy, ſhall, and the ſame are hereby ſuſpended, until the ſame ſhall have been conſidered in his Majeſty's *Supreme Court* as herein before ſpecified.

The Execution of Judgements ſuſpended until conſidered in the Supreme Court.

CAP. III.

CAP. III.

AN ACT for granting the King's Moſt Gracious Free Pardon to all his Subjects in this Province, for all Treaſons, Miſpriſon of Treaſons, or treaſonable Correſpondence committed or done by them or any of them in adhering to, aiding or aſſiſting, countenancing or abetting his Majeſty's late Subjects in the Thirteen Colonies during their Rebellion.

Preamble.

WHEREAS ſome few Inhabitants Subjects of this Province, miſled by a falſe zeal, have during the late unhappy War in America, joined with, aided and aſſiſted, his Majeſty's late Subjects the Inhabitants of the Thirteen Colonies during their Rebellion, and ſome few others again have correſponded with ſuch Inhabitants, whereby their Lives and Properties have become liable, on Proſecution for ſuch their Treaſons, to be forfeited to his Majeſty.

And WHEREAS the ſaid War is now at an End, and it is expedient for the Public Welfare of this Province, that all Remembrance of the Cauſes thereof, ſhould as ſpeedily as poſſible be buried in Oblivion, and in full Hopes, that all his Majeſty's Subjects of this Province, who have made themſelves liable to the Pains and Penalties aforeſaid, may by this Act of Grace be induced in future, more carefully to obſerve the Laws, and to live in dutiful and loyal Obedience to his Majeſty.

All Perſons guilty of Treaſons, acquitted pardoned &c. from all Pains, Penalties, &c.

I. *BE it therefore Enacted, by the Governor, Council and Aſſembly*, That all and every his Majeſty's Subjects of this Province, and their Heirs, and every of them, are thereby acquitted, pardoned releaſed and diſcharged, againſt the King's Majeſty, and his Succeſſors of all Manner of Treaſons, Miſpriſon of Treaſons, treaſonable and ſeditious Words, Libels or Correſpondence by them or any of them, committed or done, in aiding, countenancing or aſſiſting his Majeſty's late Subjects in the Thirteen Colonies, during their Rebellion, and from all Pains, Penalties, Forfeitures, Pains of Death, and Pains Corporeal, which may have been incurred or forfeited by them or any of them (before the paſſing this preſent Act) by Reaſon or Means of the ſaid Premiſſes.

Proſecution's to ceaſe.

II. *And be it further Enacted*, That all Proſecutions now carrying on againſt any Perſon or Perſons coming under the aforeſaid Deſcription, whether Civil or Criminal, ſhall ceaſe, and be at an end, and that no other Suits or Proſecutions ſhall in future be commenced or proſecuted for any Matter or Thing comprehended in this Act.

CAP. IV.

CAP. IV.

AN ACT for Altering and Reducing the Terms of the Sitting of the *Supreme Court* at *Cumberland* in the County of *Cumberland*.

BE it Enacted, by the Governor, Council and Aſſembly, That the *Supreme Court* of *Judicature*, *Court of Aſſize*, and *General Goal Delivery*, ſhall in future be held at *Cumberland*, in the County of *Cumberland*, once a Year, that is to ſay, on the Second Tueſday of *Auguſt*, annually.

CAP. V.

An ACT in further Addition to, and Amendment of an Act made in the firſt Year of his preſent Majeſty's Reign, intitled, an Act for repairing and mending Highways, Roads, Bridges and Streets, and for Appointing Surveyors of Highways within the ſeveral Townſhips in this Province.

Preamble.

WHEREAS by the firſt Section of an Act made in the Fifth Year of his preſent Majeſty's Reign, intitled, *An Act in Addition to, and Amendment of an Act, made in the firſt Year of his preſent Majeſty's Reign, entitled, An Act for Repairing Highways, Roads, Bridges and Streets, and for Appointing Surveyors of Highways within the ſeveral Townſhips in this Province, it is directed, that all public Highways hereafter to be laid out, ſhall not be leſs than One Hundred Feet wide.*

And WHEREAS doubts have ariſen, whether ſaid Act extended to Highways and Roads then in Uſe only.

Roads to continue, of the ſame Width, they were or not to exceed Sixty Six Feet wide.

I. *Be it therefore Enacted, by the Governor, Council and Aſſembly, and it is hereby Enacted and declared*, That all Highways through the Province, which were in Uſe as ſuch at the Time of making ſaid Act ſhould be continued of the ſame Breadth, they then were or not to exceed Sixty Six Feet wide.

CAP. VI.

An ACT in further Addition to an Act made in the Second Year of his preſent Majeſty's Reign, Intituled, An Act for appointing Fire Wards, aſcertaining their Duty; and for Puniſhing Theſts and Diſordefs, at the Time of Fire.

Preamble.

WHEREAS it is highly neceſſary, that the Fire Engine be conſtantly kept in good Order, and that a Number of prudent Perſons be appointed for that Purpoſe.

Juſtices in Seſſions to appoint fit Perſons as EngineMen, not to exceed nine.

who are exempt from ſerving in ſome other Office.

I. *BE it Enacted, by the Governor, Council and Aſſembly*, That it ſhall and may be lawful for the Juſtices in their Seſſions of the Peace, for the Town and County of *Halifax*; and they are hereby required to appoint ſuch Number of prudent Perſons not exceeding Nine, who ſhall be denominated *Engine Men*, and ſhall have charge of the Town Engine, and ſhall be obliged to keep the ſame in good Order and fit for Service on all Occaſions, And that the ſaid Perſons ſo choſen, ſhall be exempted from ſerving on Juries, or the Office of Conſtable during their Continuance in ſaid Office.

Duty of the Engine Men.

II. *And be it Enacted*, That at the Time of the breaking forth of Fire in the ſaid Town, or Suburbs: the ſaid Engine Men ſhall repair to the Engine, and uſe their utmoſt Efforts in taking it to the Place where the Fire ſhall be diſcovered, and there work the ſame, according to their beſt Skill and Judgment: and the Directions of the Fire Wards for extinguiſhing any Fire ſo broke out.

Perſons refuſing to aſſiſt liable to a Penalty.

III. *And be it alſo Enacted*, That *one* of the *Engine Men* choſen as aforeſaid; ſhall have the Power of a Fire Ward to command any neceſſary Aſſiſtance in taking the Engine to and from the Place of Fire, and any Perſon refuſing to obey ſuch Orders, ſhall be ſubject to the ſame Fines as impoſed by an Act made in the Second Year of his preſent Majeſty's Reign, Intituled, *An Act for Appointing Firewards, Aſcertaining their Duty, and for Puniſhing Theſts and Diſorders at the Time of Fire.*

Repairs of the Engines to be paid by Aſſeſſment.

IV. *And be it further Enacted*, That all neceſſary Repairs to the ſaid Engine ſhall be allowed and paid by Aſſeſsment, under the Order and Direction of the Juſtices and the grand Jury in their *General Quarter Seſſions* to be levied on the Inhabitants of the Town of *Halifax*.

CAP. VII.

An ACT for Eſtabliſhing the Times of holding an *Inferior Court of Common Pleas*, and *General Seſſions of the Peace* in the Townſhip of *Shelburne*.

Preamble.

WHEREAS *the want of Roads, and the Diſtance between the Townſhips of* Liverpool, Yarmouth *and* Barrington, *and the Townſhip and Diſtrict of* Shelburne, *renders it very inconvenient for the Inhabitants reſident in ſaid Townſhip and Diſtrict, to attend at the* Inferior Court *of* Common Pleas, *and at the* Seſſions of the Peace, *held at* Liverpool, Yarmouth *and* Barrington, *for Remedy whereof.*

Inferior and Court of Quarter Seſſions of the Peace to be held in *Shelburne* the laſt Tueſday of *March* and *October* Yearly.

I. *Be it Enacted, by the Governor, Council and Aſſembly*, That an *Inferior Court* of *Common Pleas*, and a Court of *General Seſſions of the Peace*, ſhall and may be kept and held within the Townſhip of *Shelburne*, on the laſt Tueſday of *March*, and laſt Tueſday of *October* in every Year.

Laws reſpecting Jurors Writs, &c. to extend to ſaid Court.

II. *And alſo be it Enacted*, That all and every the Laws of this Province, reſpecting the Balotting, Summoning and Attendance of Jurors, ordering and taking Bail, the Service of Writs, and Executions, or which relate to order and direct either practical or judicial Proceedings of the Courts of Law in this Province, ſhall extend and be conſtrued to extend to the ſaid *Inferior Court of Common Pleas* and *General Seſſions* of the *Peace* in the ſaid Townſhip of *Shelburne*.

CAP. VIII.

An ACT for fixing the Place and Time for holding the Courts of *General Seſſions of the Peace and Inferior Courts of Common Pleas in the County of* Sunbury.

Inferior and Court of Quarter Seſſions of the Peace to be held in *Maugerville*, Third Tueſday of June and Second Tueſday of *October* Yearly.

BE *it Enacted, by the Governor, Council and Aſſembly, and it is hereby Enacted*, That the Courts of *General Seſſions of the Peace*, and *Inferior Courts of Common Pleas* for the County of *Sunbury*, ſhall be held in the Townſhip of *Maugerville*, upon the Third Tueſday of *June*, and Second Tueſday of *October* every Year, from and after the Publication hereof.

II. *And*

II. *And be it alſo Enacted*, That all and every the Laws of this Province, reſpecting the Balloting, Summoning and Attendance of Jurors, ordering and taking ſpecial Bail, the Service of Writts and Executions, or which relate to order and direct either the practical or judicial Proceedings of the Courts of Law in this Province, ſhall extend and be conſtrued to extend to the ſaid Courts in the Townſhip of *Maugerville* as aforeſaid.

CAP. IX.

An ACT for the relieving his Majeſty's Subjects, profeſſing the Popiſh Religion from Certain Penalties and Diſabilities impoſed upon them by two Acts of the *General Aſſembly* of this Province, made in the Thirty Second Year of his late Majeſty's Reign, Intitled, An Act, confirming Titles to Lands and quieting Poſſeſſions, and An Act for the Eſtabliſhment of Religious public Worſhip in this Province, and for Suppreſſing of Popery.

Preamble.

WHEREAS *it is expedient to repeal certain Proviſions in the Acts, made by the* General Aſſembly *of this Province in the Thirty Second Year of his late Majeſty's Reign, Intitled, An Act for Confirming Titles to Lands and Quieting Poſſeſſions, and An Act, intitled, An Act for the Eſtabliſhment of Religious public Worſhip in this Province, and for Suppreſſing of Popery, whereby certain Penalties and Diſabilities are impoſed on Perſons profeſſing the Popiſh Religion.*

Repeal of former Penal Laws.

I. *BE it Enacted, by the Governor, Council and Aſſembly*, That ſo much of the ſaid Act as Relates to the Diſabling any Papiſt from having any Right or Title, to hold Poſſeſſor, enjoy any Lands or Tenements other than by virtue of any Grant or Grants from the Crown; But that all Deeds or Wills hereafter made conveying Lands or Tenements to any Papiſt or in Truſt for any Papiſt, ſhall be utterly null and void; And that ſuch Lands or Tenements ſhall not revert to the Perſons, granting the ſame to any Papiſt or in Truſt for any Papiſt, but that ſuch Lands and Tenements, ſhall upon Conviction of ſuch Papiſt be veſted in his Majeſty, his Heirs and Succeſſors for ever.

II. And that ſo much of ſaid Act as Subjects Popiſh Perſons exerciſing any Eccleſiaſtical Jurisdiction or Popiſh Prieſt to Impriſonment and Perſons harbouring, relieving, concealing or entertaining any ſuch

such Clergyman of the Popish Religion, Popish Priest or Person exercising the Function of a Popish Priest to Penalties and Punishment, shall be and the same and every Clause and Matter and Thing herein before mentioned is and are hereby repealed.

Lands, Tenements, &c. not hitherto litigated to be enjoyed by the Real Proprietor.

III. *And be it Enacted*, That every Person and Persons having or claiming any Lands, Tenements or Hereditaments under Titles not hitherto litigated tho derived from any Descent, Devise, Limitation or Purchase, shall have take hold and enjoy the same, as if the said Acts or any Thing herein contained had not been made any thing in the said Acts contained to the contrary notwithstanding.

Not to affect present Suit.

IV. *Provided always, and be it Enacted*, That nothing herein contained shall extend or be construed to affect any Suit or Action now depending, which shall be prosecuted with Effect and without Delay.

An Oath to be taken.

V. *Provided also*, That nothing herein contained shall extend or be construed to extend to any Person or Persons, but such who shall within the Space of Six Calender Months after the Passing of this Act or of Accruing of his, her, or their Title being of the Age of Twenty One Years, or who being under the Age of Twenty One Years shall within Six Months after he or she shall attain the Age of Twenty One Years or being of unsound mind, or in Prison, or beyond the Seas, then within Six Months after such Disability removed take and subscribe an Oath in the Words following.

Form of the Oath.

I. A. B. sincerely promise and swear, that I will be faithful and bear true Allegiance to his Majesty King George *the Third, and him will defend to the utmost of my Power, against all Conspiracies and Attempts whatever that shall be made against his Person, Crown or Dignity, and I will do my utmost Endeavours to disclose and make known to his Majesty, his Heirs and Successors all Treasons, and traiterous Conspiracies which may be formed against him or them, and I do faithfully promise to maintain Support and defend to the utmost of my Power, the Succession of the Crown in his Majesty's Family against any Person or Persons whatsoever, hereby utterly renouncing and abjuring any Obedience or Allegiance unto the Person taking upon himself the Stile and Title of Prince of Wales in the Life Time of his Father, and who since his Death is said to have assumed the Stile and Title of the King of Great Britain, by the Name of Charles the Third, and to any other Person claiming or pretending a Right to the Crown of these Realms; And I do swear, that I do reject and detest, as an unchristian and impious Position, that it is lawful to murder or destroy any Person or Persons whatsoever, for or under Pretence of their being Heretics, and also that unchristian and impious Principle that no Faith is to be kept with Heretics. I further declare, that it is no Article of my Faith, and that I do renounce, reject and abjure, the Opinion, that Princes excommunicated by the Pope and Council or by any Authority of the See of Rome or by any Authority whatsoever may be deposed or murdered by their Subjects or any other Person whatsoever; And*

I do declare, that I do not believe that the Pope of Rome or any other foreign Prince, Prelate, State or Potentate, hath or ought to have any Temporal or Civil Jurisdiction Power, Superiority or Pre-eminence directly or indirectly within this Realm, and I do solemnly in the Presence of God, profess, testifie and declare, that I do make this Declaration and every Part thereof in the Plain and ordinary Sense of the Words of this Oath, without any Evasion, Equivocation or mental Reservation whatsoever, and without any Dispensation already granted by the Pope or any Authority of the See of Rome, or any Person whatsoever, or without thinking that I am or can be acquitted before God or Man or absolved of this Declaration or any Part thereof, although the Pope or any other Persons or Authority whatsoever shall dispense with or annull the same or declare that it was null and void.

Oath to be competent in any Court of Record. Register of the same to be kept.

VI. Which Oath it shall be competent to any of his Majesty's Courts of Record or to any Court of any General Sessions of the Peace within this Province to administer, and they are hereby required to administer the same accordingly, of the taking and subscribing of which Oaths a Register shall be kept and preserved.

VII. *Provided*, That nothing in this Act contained shall be of any Effect until his Majesty's Pleasure therein shall be known.

CAP. X.

An ACT for Establishing and Regulating Ferries.

Preamble.

WHEREAS the Establishment of Ferries in many Parts of this Province, is of great Utility, and renders the Communication to several Places more easy and expeditious.

Ferries shall be established and regulated and Ferrymen appointed by Justices in Sessions,

I. *BE it Enacted, by the Governor, Council, and Assembly*, That from and after the Publication of this Act, his Majesty's Justices in their *General* or *Special Sessions of the Peace* for each County, shall be, and they are hereby authorized, and impowered, to establish such Ferries over Rivers, Bays or Creeks within their respective Counties as may be by them tho't necessary, and to agree with, and grant Licenses to such Persons as they shall judge meet as Ferryman, under such Rules and Regulations, as they from Time to Time shall judge most for the Good of the Public. And any Person or Persons, who shall agree and accept of the Office or Place of Ferryman, and after such Agreement and Acceptance shall refuse or neglect to comply with, and observe the several Articles and Clauses contained in said Rules and Regulations made as aforesaid, shall be fined by the Justices in their Sessions, in any Sum not exceeding Forty Shillings.

Penalty on Ferrymen not observing the Regulation, 40s.

II *And*

II. *And be it also Enacted*, That when any Ferry shall be established, over any River, Bay or Creek as aforesaid, and any Person or Persons appointed and licensed to attend the same as aforesaid, if any Person or Persons whatsoever shall carry or ferry over such River, Bay or Creek; either Manor Beast, *for Hire*, unless by Desire or Consent of the Ferry Man, or on his Neglect or Refusal to give due Attendance, such Person shall forfeit and pay a Fine not exceeding Twenty Shillings, to be recovered on Complaint before any Two of his Majesty's Justices of the Peace, and be levied by Distress and Sale of the Offender's Goods and Chattels.

None but the Ferrymen shall carry over either Man or Beast where a Ferry shall be established.

Penalty 20s.

III. *Provided nevertheless*, That if any Ferrymen appointed as aforesaid, shall neglect or refuse to give Attendance, pursuant to the Regulations made for that Purpose, in every such Case, any other Person or Persons may supply the Place of such Ferryman, until an other be appointed and licensed as aforesaid, and receive Payment for the same in the same Manner as the proper Ferryman might do if present.

Ferrymen not giving due Attendance, any Person may supply his place and until another shall be appoined,

CAP. XI.

An ACT for Establishing the Times of holding *Inferior Courts of Common Pleas* in the District of *Colchester* in the County of *Halifax*.

WHEREAS *the want of Roads and the Distance between the Settlements of* Willmot River, Pictou, Tatmagouch *and the District of* Colchester *and* Halifax *Occasions the Attendance of Persons resident in the said District and Settlements at the* Inferior Courts of Common Pleas, *held at* Halifax, *for the said County, no only very inconvenient, but greatly impedes the due Administration of Justice in the aforesaid District and Settlements for remedy whereof.*

Preamble

I. *BE it Enacted, by the Governor, Council and Assembly*, That an *Inferior Court of Common Pleas* for the said District, shall and may be holden within the Township of *Onslow* in the County aforesaid on the first *Tuesday* of *February*, and the first *Tuesday* in *August* in every Year.

Inferior Court to be held at *Onslow* first *Tuesday* of *February* and *August* Yearly.

II. *And be it also Enacted*, That all and every the Laws of this Province, respecting the Balloting, Summoning and Attendance of Jurors, ordering and taking special Bail, the Service of Writs and Executions, or which relate to order and direct either the practical or judicial Proceedings of the Courts of Law in this Province, shall extend and be construed to extend to the said *Inferior Court of Common Pleas* in the Township of *Onslow*, as aforesaid.

Laws relating to Jurors Writs &c. to extend to said Court